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TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 77

[redacted] BOARD, PETITIONER

vs.

[redacted] COMPANY, ET AL.

[redacted] STATES COURT OF [redacted]

FILED JUNE 6, 1941.

OCTOBER 7, 1941.

INDEX

Page

WITNESSES:

For the General Counsel

I. S. Prosterman
Direct Examination . . . 2

Garvin Biggs
Direct Examination . . . 8

Milton Eiger
Direct Examination . . . 14

Mrs. Sarah Broom
Direct Examination . . . 17

Mrs. Frances Elizabeth Powell
Direct Examination . . . 28

Mrs. Pauline McGee
Direct Examination . . . 34

I. S. Prosterman
Further Direct Examination . . . 39

Pauline McGee
Redirect Examination . . . 58

Mrs. Lucille Yancey
Direct Examination . . . 59

Pearl Coker
Direct Examination . . . 67

Violet Ewing
Direct Examination . . . 73

Grace McCart
Direct Examination . . . 79

INDEX — Continued

Page

Bonnie Hamilton
Direct Examination 88

Mrs. Ida Harper
Direct Examination 94
Cross Examination 101

Nellie Wood
Direct Examination 103

Mary Alice McWaters
Direct Examination 109

Nellie Hood
Direct Examination 111

Ruth Brooks
Direct Examination 116

Lela Beaver
Direct Examination 121

Nancy Williams
Direct Examination 127

Evelyn Hudson
Direct Examination 128

I. R. Prosterman (Recalled)
Further Cross-Examination 133

WITNESSES:
For Respondent

Arthur Sharff
Cross Examination 137

INDEX — Continued

Page

Myrtle Ewing
Direct Examination 139
Cross Examination 144

Odelle Barnes
Direct Examination 146

Grace Higgins
Direct Examination 147
Cross Examination 155
Recross Examination 157

Jerry Carter
Direct Examination 158
Cross Examination 162

Edna Atha
Direct Examination 164
Cross Examination 166

I. S. Prosterman
Direct Examination 167
Cross Examination 176
Recross Examination 187

Morris Sharff
Direct Examination 192
Redirect Examination 204

General Counsel's Exhibit No. 5 205

General Counsel's Exhibit No. 7 207

General Counsel's Exhibit No. 29 211

Charging Party's Exhibit No. 2 212

INDEX

	Original	Print
Proceedings in the United States Court of Appeals for the Fifth Circuit.		
Transcript of portions of record—see separate index.		
Appendix to petitioner's brief—see separate index.		
Appendix to respondents' brief consisting of excerpts from transcript of testimony before the National Labor Relations Board		
Colloquy	1	480
Voir dire examination of I. S. Prosterman	1	480
Testimony of:	2	481
Garvin Biggs	7	486
Milton Eiger	11	490
Mrs. Sarah Broom	14	493
Mrs. Frances Elizabeth Powell	18	497
Mrs. Pauline McGee	26	505
Mrs. Lucille Yancey	42	521
Pearl Coker	47	526
Violet Ewing	48	527
Grace McCart	50	529
Bonnie Hamilton	52	531
Mrs. Ida Harper	56	535
Nellie Wood	65	544
Mary Alice McWaters	72	551
Nellie Hood	74	553
Ruth Brooks	78	557
Rose L. Tribble	82	561
Hester Lou McCart	83	562
Runelle Daniel	84	563
Lela Beaver	85	564
Nancy Williams	86	565
Pauline Spratlin	91	570
Bessie Satterfield	91	570
Flaudie Atha	92	571
Evelyn Hudson	92	571
Lelia Haulk	98	577
Bessie Satterfield	98	577
I. R. Prosterman	101	580
Arthur Sharff	105	584
Myrtle Ewing	112	591
Sarah Sanders	120	599
Charlotte Towler	122	601
Imogene Meeks	124	603
Odelle Barnes	129	608
Ruby Berry	133	612

	Original	Print
Appendix to respondent's brief, etc.—Continued		
Testimony of—Continued		
Grace Higgins	136	615
Jerry Carter	158	637
Edna Atha	163	642
I. S. Prosterman	170	649
Sarah Sanders	182	661
I. S. Prosterman	183	662
Morris Sharff	191	670
Additional excerpts from transcript of testimony before the National Labor Relations Board	1	
Appearances	1	
Testimony of:		
Mrs. Frances Elizabeth Powell (Johnson)—direct	145	
Violet Ewing—direct	358	
Grace McCart—direct	385	
Bonnie Hamilton—redirect	403	
Nellie Hood	519	
Ruth Brooks—direct	539	
Grace Higgins—cross	1012	
I. S. Prosterman (recalled)—direct	1145	
—cross	1244	
(resumed)—cross	1265	
Morris Sharff:		
Direct	1359	
Cross	1468	
Redirect	1513	
Charging Party Exhibit 2—Letter from Walton Manufacturing Company to Wilson, Branch and Barwick, dated April 15, 1958 (excerpts)	1529	
Minute entry of argument and submission	1532	
Opinion, Jones, J.	1533	
Judgment	1552	
Motion for extension of time to file petition for rehearing	1553	
Order extending time to file petition for rehearing	1554	
Transmittal letter from counsel, Wilson, Branch and Barwick to Clerk, U.S.C.A. for the Fifth Circuit, dated January 27, 1961	1555	
Respondent's proposed decree—not entered by the court	1557	
Reply letter from Office of the General Counsel, NLRB to Clerk, U.S.C.A. for the Fifth Circuit, dated February 3, 1961	1561	
Letter of counsel for NLRB, dated February 7, 1961, stating that no petition for rehearing will be filed	1562	
Decree	1563	
Clerk's certificate (omitted in printing)	1566	
Order allowing certiorari	1567	

BEFORE THE NATIONAL LABOR RELATIONS BOARD
TENTH REGION

In the Matter of:

WALTON MANUFACTURING COMPANY
and Case Nos. 10-CA-3127
10-CA-3201
10-CA-3219
AMALGAMATED CLOTHING WORKERS OF AMERICA, AFL-CIO

— — —

LOGANVILLE PANTS COMPANY AND WALTON MANUFACTURING COMPANY.
and Case Nos. 10-CA-3202
10-CA-3218
AMALGAMATED CLOTHING WORKERS OF AMERICA, AFL-CIO.

Courtroom, Second Floor,
Walton County Courthouse,
Monroe, Georgia.
Wednesday, October 15, 1958.

Pursuant to notice, the above-entitled matter came on for hearing at 10:00 o'clock a. m.

BEFORE:
SAMUEL ROSS, Trial Examiner.

APPEARANCES:
ARTHUR C. JOY, ESQ.,
Peachtree-Seventh Building, Atlanta. Georgia; appearing on behalf of General Counsel.

JACOB SHEINKMAN, ESQ.,
15 Union Square, New York City, New York; appearing on behalf of Amalgamated Clothing Workers of America, AFL-CIO, the Charging Party.

ROBERT T. THOMPSON, ESQ.
615 Rhodes-Haverty Building, Atlanta, Georgia; appearing on behalf of the Respondents.

* * * *

[43] I. S. PROSTERMAN

A witness called under Rule 43 (b) by the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[45] Q (By Mr. Joy) Mr. Prosterman, for the sake of simplifying the record later, I would like to get it in, the nickname by which you are commonly known.

A They call me "Murph" or "Mr. Murph."

TRIAL EXAMINER:
What's that?

[46] THE WITNESS:
"Murph" or "Mr. Murph."

Q (By Mr. Joy) Are you employed by Walton Manufacturing Company?

MR. JOY:

We have a stipulation to that effect.

Q (By Mr. Joy) What is your capacity, sir?

A I am plant manager.

Q As plant manager, do you have the authority to hire and fire?

A Yes, I do.

Q Do you make the selections of employees?

A Yes, I do.

Q Do you determine how many employees there should be and what they should do?

A Yes, I do.

Q As plant manager, what are your duties other than those just stated?

A Well, I direct the production of the plant.

Q And who is your immediate supervisor, if any?

A Mr. Arthur Scharff.

Q Do you know whether Mrs. Lucille Yancey, who is named in the Complaint, was discharged or was laid off?

A Would you be so kind as to tell me what the difference is? I mean, laid off with a stipulation of coming back, or — I would like to understand the question better.

Q Was it intended to be a permanent severance or a temporary [47] severance?

A It was intended to be a permanent severance.

Q Do you know why she was selected for such discharge?

A Yes, I do.

Q What was the reason, sir?

A She was incompetent.

Q In what respect?

A She could not achieve the quality standards that we require, nor was she able to achieve production standards, and there were other reasons. She was a difficult person to handle. Her supervisor could not cope with her. She resented correction by her supervisor and by me. When her supervisor came to me for assistance to see whether we could improve her as an operator, I found the same difficulty.

Q When did that happen?

A Well, for some time prior to her discharge.

TRIAL EXAMINER:

Your best recollection as to when it occurred, please?

THE WITNESS:

I would say several months prior to the discharge.

TRIAL EXAMINER:

You have referred to her supervisor; to whom are you referring, what name?

THE WITNESS:

Grace Higgins was her supervisor.

Q (By Mr. Joy) Did you discharge her, or did someone else discharge her?

[48] A No, I discharged her.

Q And when she was discharged, what reason did you you give her?

A That her quality was poor.

Q Did you tell her that she was discharged or merely laid off ?

A I can't recall right now if I told her one or the other. It was meant to be a permanent discharge.

Q Didn't you tell her that the reason was that there was no work for her, or lack of work?

A I can't recall. I don't believe so.

Q You are not sure?

A That is right.

Q You say you are not sure whether you did or?

A I'm not sure. I don't remember that.

Q What was the effect on her production of the alleged poor quality of work?

A I don't have the records at my fingertips, but she never made the production standard, or she never quite reached production standard, to my best recollection.

Q What do you mean by production standard?

A Well, she never made a dollar an hour. I say that, of course, that is my best recollection. I don't know exactly.

Q Do you have any policy about eliminating or retaining people who do not make the statutory dollar an hour minimum?

A No. I have no strict policy.

* * * * *

[61] Q Is it not true that in the weeks immediately preceding her discharge the amount of makeup was very small?

A I can't give you the answer to that. She wasn't discharged principally for makeup.

TRIAL EXAMINER:

What was she discharged principally for?

THE WITNESS:

Inability to produce the standard of quality that we required; and one very important reason was that she was an undesirable employee from the standpoint that she would not take correction kindly. She was the type of person that grumbled — complained of her fellow employees; in addition to the fact that she had makeup. She was, generally speaking, an unsatisfactory employee.

TRIAL EXAMINER:

You may continue.

Q (By Mr. Joy) Did you ever inform Mrs. Yancey that her work was not satisfactory as to quality or quantity?

A Personally.

Q Yes.

A Yes.

Q When?

[62] A Several times prior to her discharge. I cannot tell you the exact dates.

Q What did you inform her; that it was not adequate as to quality or as to quantity?

A Mostly from the standpoint of quality. I worked with her personally to try to bring her work up to par.

* * * *

[66] TRIAL EXAMINER:

On the record.

You are excused until tomorrow morning, Mr. Prosterman.

[67] The last witness has testified concerning makeup pay and since I am not familiar with your industry, or

term, will you two agree on a stipulation as to what make-up pay is for the record so that I take notice of what it means?

MR. THOMPSON:

If I may make this statement I think probably clear it up right quickly.

These operators in this plant, which is a garment plant — they manufacture men's suits and boy's suits — are paid on a piece rate. They are paid so much per item that they do. The makeup pay is the difference between what they earn by their piece rate and the minimum wage of a dollar an hour. In other words, the law requires we pay each one of them a dollar an hour straight time regardless of any piece rate we might have. When they fail to earn an eight-hour day or a forty-hour week, sufficient money to average a dollar an hour by their piece rate, then they are paid the difference because the minimum wage law requires it and the difference between what they made on the piece rate and what they actually were paid under minimum wage is the makeup pay.

TRIAL EXAMINER:

This is not something that has to be repaid to the company; it is just a term used to denote the degree of inefficiency, is that it?

MR. THOMPSON:

That is correct. In other words, if an employee makes thirty dollars on a piece rate for a forty-hour week, he or she would be paid an extra ten dollars to make the [68] necessary dollars per hour for the forty hours.

TRIAL EXAMINER:
The ten dollars would be the makeup pay?

MR. THOMPSON:
That is correct.

MR. JOY:
I agree with Mr. Thompson's statement; I do not agree with the Trial Examiner's characterization of it; that is that it is the measure of degree of inefficiency —

MR. SHIENKMAN:
I was just going to state that, sir.

MR. JOY:
It might well be a measure of the inadequacy of the piece rate.

TRIAL EXAMINER:
I understand that; I withdraw the term inefficiency. I wasn't intending to be controversial about it; I just wanted to get the thing straight.

MR. SHIENKMAN:
I would agree with that statement.

* * * *

GARVIN BIGGS
a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[69] Q (By Mr. Joy) Mr. Biggs, are you known by any particular nickname?

A Yes.

Q What is that?

A "Woody."

Q What is your occupation, sir?

A I am in charge of organizing in the State of South Carolina.

Q For who?

A For the Amalgamated Clothing Workers Union.

Q What is the Amalgamated Clothing Workers Union?

A The Amalgamated Clothing Workers of America is an international union affiliated with the AFL-CIO.

* * * *

[70] Q Are you connected with the organizing campaign involving the employees of Walton Manufacturing and Loganville Pants Company?

A Yes, sir.

Q Are you the only member of the staff so engaged?

A No, sir.

Q Who are the others?

A Sarah Broom —

[71] TRIAL EXAMINER:

Spell those names, please.

THE WITNESS:

Sarah Broom, (spelling) B-R-O-O-M.

Noel Penny, Rachel Barnes, Mickey Eiger, that's E-I-G-E-R.

Q (By Mr. Joy) When did this organizing campaign begin, approximately, if you don't know exactly?

A I arrived on the scene November the 18th, 1957.

TRIAL EXAMINER:

Excuse me one moment. Are these four names that you have given us: Sarah Broom, Noel Penny, Rachel Barnes and Mickey Eiger, are they paid employees of the Amalgamated Clothing Workers?

THE WITNESS:

Yes; they are international organizers.

* * * *

[72] Q Did you ever see any of the people that I have been asking you about copying your car license number or any other car license numbers?

A I have.

Q Would you tell about it as best you can remember?

A On Saturday afternoon. November the 30th, we — I mean by we. Rachel Barnes — No, Rachel Barnes was not there — Noel Penny, Sarah Broom, Mickey Eiger and I was eating lunch in the Breeze Inn Drive-Inn in Loganville. It was about two o'clock in the afternoon. Also present in the Drive-Inn was Mr. Morris Scharff, "Mr. Murph," the man that I knew as "Murph," and J. B. Stephens. While we were eating, these three men got up and started out of the place. J. B. Stephens and Morris Scharff went out a side door

and walked around to three automobiles that was parked on the side, which was in our view; My car, Noel Penny's car and Sarah Broom's car.

Morris Scharff looked inside the car of Noel Penny. J. B. [73] Stephens, after pointing the three cars out to Morris, returned to the car that "Mr. Murph" had already gotten into in front of the building.

Q Had you finished?

A No.

Q Go ahead.

A Mr. Scharff had a piece of paper and a pencil in his hand; he stood behind each one of the cars, looking at the tag number and writing on the paper. When he got through, he came around in front of the building and started into the car.

I walked out to the front door of the place and I asked Mr. Scharff if he gotten the tag numbers of the organizers' cars. He said that he had. I then told Mr. Scharff that if there was anything else that he wanted if he would let me know, I would see if I could help him with it. Mr. Scharff, as I remember, didn't reply. They got into the automobile and drove off.

TRIAL EXAMINER:

Who is Mr. J. B. Stephens?

THE WITNESS:

Mr. Stephens was pointed out to me as an employee of Walton Manufacturing Company.

Q (By Mr. Joy) When the three of them drove off in the car together, as you have testified, who was driving that car?

A J. B. Stephens.

Q Do you recall what kind of car it was?

A It was a green 1956 Plymouth.

[74] Q When you and your group finished eating, what happened then?

A When we finished eating, we went out to my car and attempted to drive off. My car would not start and I got out and raised the hood of my car to try to find out what was wrong with it. Mickey Eiger was with me at that time. Across the street I noticed J. B. Stephens sitting in this same green Plymouth looking in our direction. He continued to sit there in the car until after we had driven off some 20 or 25 minutes later. He was sitting there when we left; and we drove to Greenville, South Carolina.

Q You say across the street; where across the street?

A In the parking lot across the street; in the American Legion parking lot and cafe.

Q Was anyone with him?

A No. He was by himself.

* * * *

[75] Q (By Mr. Joy) Did the Union hold any meetings in connection with the organization of the employees of Walton and Loganville Pants?

A Yes.

Q Where did you hold those meetings?

A The meetings were held at the Rosebud Community Clubhouse.

Q How many meetings did you hold, sir?

A We held three meetings.

* * * *

[77] Q I may have asked you this before; I'm not sure. How many meetings did you hold there?

A Three.

Q And do you recall the dates of those meetings?

A Yes. The first meeting was held December the 5th, the second meeting was held December 12th, the third meeting was held January the 9th.

Q These December dates being 1957, and January —

A January was in '58.

Q Did anyone attend those meetings other than employees of Walton and Loganville or members of their families, and other than members of your staff?

* * * *

[85] Q Between the time the organizing campaign began at Loganville and the time Mrs. Yancey was discharged, do you recall how many times you visited their home?

A Three times.

Q Can you place the dates? Tell just what happened.

A Yes; one of the staff took myself and Mickey Eiger --

TRIAL EXAMINER:

Just give us the dates and let's not have a speech about that. We want to get on with this case. He asked for the dates; let's have the dates, please.

THE WITNESS:

We was there the first time on Wednesday night before Thanksgiving, 1957; Friday night after Thanksgiving, 1957, and the following Monday night.

* * * *

[87] (The document heretofore marked General Counsel's Exhibit No 5 for identification was received in evidence.)

* * * *

[96] MILTON EIGER

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[103] Q (By Mr. Joy)

* * * *

[104] Q All right, sir.

Can you tell us what a utility operator is?

A A utility operator is a person who is able to handle most any operation in the garment, and that person is more versatile than the average operator is, who is only skilled on one particular performance. Either they are pocket makers, sleeve makers, lining maker; a utility operator can do most anything to the garment.

Q Do you know Mrs. Lucille Yancey and her husband, Mr. Ethan Yancey?

A Yes.

Q Do you know if Mrs. Yancey worked for Walton Manufacturing Company?

A Yes, I know she did.

Q While she was so employed, did you ever go to her home?

A Yes.

Q Do you recall how many times; and when?

A I can remember three times, at least. It was right after I came into Loganville. It was the day before Thanksgiving; I believe that was Wednesday. I also saw her on a Friday after Thanksgiving; and on my return, I saw her that following Monday.

Q Were you with anyone at the time you went to her home?

A I was with "Woody" Biggs on three of the occasions, and I [105] think one of the other members of the staff — I don't recollect who — the first time — was with us.

Q Can you identify in this room anyone of the three Scharffs, Morris, Harry or Arthur?

A Yes, I was pointed out Morris Scharff this morning. He is sitting right there.

Q When was the first time you saw him, to your knowledge?

A I saw him quite some time ago in Breeze Inn, sometime around Thanksgiving, was the first time I saw the man.

Q What year was that?

A In 1957.

Q Can you tell what happened then?

A We were sitting there, the organizers and myself, the first time when Mr. Scharff and a few of his family came in.

TRIAL EXAMINER:

Which Mr. Scharff are you talking about?

THE WITNESS:
The Father and Mother Scharff.

TRIAL EXAMINER:
What's his name; Harry?

THE WITNESS:
That is right.

The second time I saw him was on the Saturday after Thanksgiving.

TRIAL EXAMINER:
You say you saw "him," who are you referring to?

THE WITNESS:
Morris Scharff, the man they call "Murph" — I think his name is Prosterman — and J. B. Stephens, that Saturday.

[106] Q (By Mr. Joy) Will you tell us what happened?

A The three gentlemen left the restaurant —

Q Which three?

A The three; Mr. Scharff, "Mr. Murph" and Mr. Stephens.

They went around and they copied down the license numbers of the cars that were parked on the outside, the organizers. When they walked around to the front after copying down the numbers, Mr. Biggs walked out the front door and asked them if he could help them in giving them the numbers, and Mr. Scharff answered, "It's okay, we already got all the numbers."

Q Did you see Mr. Stephens any more that day?

A Mr. Biggs was having a little trouble with his car that day and we were delayed. While standing outside, Biggs trying to repair —

Q Standing outside of where?

A The Breeze Inn.

We noticed a green car parked across the street by the American Legion Hall, and sitting in the car was J. B. Stephens. He did not move the car until we left. He stood there just watching what we believed was us until we left.

* * * *

[122] MRS. SARAH BROOM

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[123] Q (By Mr. Joy) Mrs. Broom, what is your occupation?

A I am a union organizer.

Q By whom are you employed?

A The Amalgamated Clothing Workers of America.

Q Have you been connected with the campaign to organize the employees of Walton Manufacturing Company and Loganville Pants Company?

A Yes, sir.

Q When did you first come in for that?

A I came in November the 21st, 1957.
Q Do you know Mrs. Lucille Yancey?
A Yes, sir.
Q Did you ever visit her home?
A Yes, sir.
Q Have you been there more than once?
A Yes, sir.
Q Do you recall when was the first time?
A Yes, sir.
Q When was that?
A November the 23rd.
Q Do you remember the day of the week?
[124] A Saturday afternoon.
Q What happened in connection with that visit?
A Well, when I went to visit Lucille, she wasn't home at the time, but her husband was there. He invited me in, and he called Lucille and he told me that — I told him that I was an organizer for the Amalgamated —
Q I don't want to get all that detail in. Let me short circuit it a little bit.

Did you solicit her to join the Union?
A Yes, sir.
Q Did she sign a card for the Union?
A Yes, sir.
Q At that time?
A Yes, sir.
Q Did she agree to do anything in connection with the organizing campaign?
A Yes, sir.

• • • •

【126】 Q Before you started working on this campaign at Loganville, did you know Mr. Morris Scharff, Mr. Harry Scharff or Mr. Arthur Scharff?

A No, sir.

Q During the time you were working on it, did you get to know them, who they were?

A Yes, sir.

Q Did you ever see any of them taking down — or apparently writing down license plate numbers?

A Yes, sir.

Q Who?

A Mr. Morris Scharff.

Q Do you see him in the room?

A Yes, sir.

Q Will you point him out?

A Yes, sir. That's Mr. Scharff (indicating).

Q When did that happen?

A It happened on a Saturday afternoon, November the 30th.

Q And will you tell us just what happened?

【127】 A Well, that Saturday morning I had been followed all morning.

Q Just stick to the question there.

A All right.

I came down to the Breeze Inn Restaurant to eat lunch and when I got to the restaurant, well, Penny and "Woody" and Mickey were in the restaurant eating, so I went in to join them. While we were in there Mr. Scharff, "Mr. Murph" and J. B. Stephens came into the restaurant and ate, too. When they got up to leave, Mr. Stephens and Mr. Scharff went out the side door and Mr. Stephens pointed out our cars and Mr. Scharff was writing, and I saw Mr.

Scharff look into Noel Penny's car. He came on around the front. In the meantime, "Woody" had got up, gone to the Breeze Inn door, and walked outside. The door was open, and he asked Mr. Scharff if he got our license numbers. Mr. Scharff said he had. "Woody" told him if there was anything else he needed, he would be glad to get it for him.

Q When Mr. Scharff and Mr. Stephens and "Mr. Murph" left, were they all in one car, or separate cars?

A They were all in one car.

Q Who was driving the car?

A J. B. Stephens.

Q Can you describe the car?

A Yes, sir. It was a 1957 Plymouth.

Q What color?

[128] A Green.

Q Were you ever followed by anyone in connection with your activities in organizing the employees?

A Yes, sir.

* * * *

Q (By Mr. Joy) Did you ever notice at any time in connection with your work that any employee or agent of either of the Respondents seemed to be in the vicinity everywhere you went?

A Yes, sir.

TRIAL EXAMINER:

Now, tell us about that.

When was the first time that you observed this?

THE WITNESS:
The first time I observed it was Saturday morning, November the 30th.

[129] TRIAL EXAMINER:
All right, now, describe when and under the circumstances under which this occurred.

THE WITNESS:
Well, I started out contacting that Saturday morning and —

TRIAL EXAMINER:
Contacting whom?

THE WITNESS:
Contacting employees of Walton Manufacturing Company —

I stopped before I got to this girl's house; I saw this green Plymouth behind me, driving slow. When I went in her home, he stopped up above, a good little distance above —

TRIAL EXAMINER:
How far is "a good little distance?"

THE WITNESS:
Well, I can't tell you exactly, but it was just across the road, up a ways.

TRIAL EXAMINER:
Was it further than the length of this courtroom?

THE WITNESS:
I would say about the length of this courtroom.

TRIAL EXAMINER:
And how far do you estimate that to be?

THE WITNESS:
I just couldn't tell you.

TRIAL EXAMINER:
Could we have a stipulation of the approximate length of about fifty feet, 45 feet?

MR. THOMPSON:
I'll stipulate as far as I'm concerned that is the approximate length of the courtroom, yes.

MR. JOY:
I'll go along with that. I don't know, either.

TRIAL EXAMINER:
Continue.

[130] THE WITNESS:
When I came out of her house and got in my car and drove off, he was behind me.

TRIAL EXAMINER:
That is the same car was behind you?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
Did you observe who was driving this car?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
Who was driving the car?

THE WITNESS:
J. B. Stephens.

TRIAL EXAMINER:
And what time of the day was this?

THE WITNESS:
This was in the morning, I would say between nine and ten o'clock. I can't say definitely, but I know it was early in the morning because I start to work around eight and I had ate breakfast.

TRIAL EXAMINER:
This girl's house — where did you go next from this girl's house?

THE WITNESS:
Well, I went to another girl's house.

TRIAL EXAMINER:
Did you observe the same car following you again?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
How far behind was he?

THE WITNESS:
He wasn't too far behind me.

TRIAL EXAMINER:
Well, I don't know what you mean by "too far." You are going to have to explain what you mean by "too far."

MR. JOY:
About how many carlengths?

[131] THE WITNESS:
I imagine he was about three carlengths behind me.

When I came out of this girl's house —

TRIAL EXAMINER:
This, of course, comes after you arrived at this girl's house. Where was he?

THE WITNESS:
Well, he parked up above me.

TRIAL EXAMINER:
How far away was he this time?

THE WITNESS:
About three carlengths up above me.

TRIAL EXAMINER:
Beyond the house?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
And you went inside?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
When you came out, was the car still there?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
Did you observe who was in the car?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
Who was it?

THE WITNESS:
J. B. Stephens.

TRIAL EXAMINER:
Where did you go from there?

THE WITNESS:
I went to another girl's house, called on her, and she

wasn't at home. So by that time it was lunch time and I went to —

TRIAL EXAMINER:

Was Stephens following you to this third girl's house?

THE WITNESS:

Well, he followed me, but evidently he turned [132] off, because I got to the third girl's house — I think he must have known she was working, because that's where she was that morning, working —

TRIAL EXAMINER:

Let's not guess what he knew.

THE WITNESS:

Anyway, she was working that morning.

TRIAL EXAMINER:

I'm not interested in that; I'm interested in what happened to the car.

THE WITNESS:

Well, I don't know, but I do know when I got to the restaurant, I was only in there a few minutes 'til he drove up with Mr. Scharff and "Mr. Murph" and the three came into the restaurant.

* * * *

[133] Q (By Mr. Joy) That afternoon, did you observe the same car again wherever you went, or did you observe Mr. Stephens in the vicinity wherever you went?

A Yes. sir. Mr. Stephen was behind me again that afternoon in my contacting, and after I knew for sure I was being followed —

TRIAL EXAMINER:

Let's not know for sure, because that again calls for a conclusion of your mind. You are going to have to tell us exactly what facts you observed upon which you came to that conclusion and we'll decide whether you were being followed or not.

Q (By Mr. Joy) How many places did you go in the afternoon?

A I went to three places in the afternoon.

Q When you went to the first one, did — while you were going there, did you see Mr. Stephens?

A Yes, sir.

TRIAL EXAMINER:

Where was he?

THE WITNESS:

He was behind me. but he passed me that time.

* * * *

[135] Q (By Mr. Joy) What kind of car was he driving at the various times you saw him that day?

A He was driving a 1956 Plymouth.

Q What color?

A Green.

Q Did you at any time get the license plate of that car?

A Yes, sir.

Q Do you know what the number was?

A Yes, sir.
Q What was it?
A 1-101919.
Q What state?
A Atlanta, Georgia — Georgia state.
Q Did you check on the —
A The license number?
Q Yes, ma'am.
A Yes, sir.
Q Can you tell just how you checked?
A I called the Tag Department in Atlanta, Georgia, and they told me that it had been issued to Morris Scharff of 3322 Roxboro Avenue.

* * * *

[145] MRS. FRANCES ELIZABETH POWELL
a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[146] Q (By Mr. Joy) Did you ever work for Walton Manufacturing Company?
A Yes, sir.
Q When you were working there, were you married?
A No, sir. I was not.
Q What was your name by which you were known there?
A Frances Elizabeth Johnson.

* * * *

[148] Q (By Mr. Joy) When you were transferred to that last job, did you use the same machine that you had previously used or did you use the machine that Mrs. Yancey had used?

A I tried to use the machine that Mrs. Yancey used.

Q And what happened?

A The machine just wasn't any good, I don't guess. I couldn't use it.

Q What took place then?

A I asked "Mr. Murph" and Jerry if I could have my machine moved from the front back there.

Q Who is Jerry?

A He was my supervisor before I was transferred to Grace Higgins.

Q Jerry Carter?

A Yes, sir.

Q What happened when you made that request?

A They asked me if I really wanted it moved back there and I said, "Yes, sir," and they moved the machine back there.

* * * *

[149] Q When you were transferred to the new job previously done by Mrs. Yancey, what was said to you about your pay?

A They gave me a fifteen cent increase in my wages.

Q Who gave you that?

A Jerry told me that I would get it before I left up

there — he was my supervisor; he told me that they were giving me a fifteen cent raise to take Lucille Yancey's job.

* * * *

[150] Q After you were transferred to that job, did you increase the amount of work that you turned out, or did it decrease, or did it stay about the same, as time went on?

A I increased a little every day.

Q Did Jerry Carter at any time ever tell you that your work was not satisfactory?

A No, sir.

Q Did he ever tell you that you were not doing enough?

A No, sir.

Q Did Grace Higgins ever tell you that your work was not satisfactory?

A No, sir.

Q Did she ever tell you that you were not doing enough?

A No.

Q Did "Mr. Murph" ever tell you that your work was not satisfactory or that you were not doing enough?

A No, sir.

Q Did Morris Scharff ever tell you that?

[151] A No, sir.

Q Did any other supervisor in the plant ever tell you that?

A No, sir.

Q Did you sign a card for the Union, the Amalgamated Clothing Workers, to join the Union?

A Yes, sir. I did.

* * * *

[152] Q (By Mr. Joy) Did you ever hear Mr. Morris Scharff talk about the union?

A Yes, sir.

Q Was he talking to you alone, or to a group?

A No, sir. He never spoke to me.

[153] Q You mean he was speaking to a group?

A Yes, sir.

Q Where was that?

A That was held inside of the plant, the shop.

Q Can you place when that was?

A No, sir. I cannot.

Q Was that before or after you were transferred to Mrs. Yancey's —

A It was after I was transferred.

Q Do you recall how long afterwards?

A No, sir.

Q How many times did you hear him talk?

A I heard Mr. Morris Scharff make one speech.

Q Could you hear everything that was said — that he said?

A Did I hear —

Q Could you hear everything that he said?

A Yes, sir.

Q Do you remember everything that he said?

A Well, almost everything, yes, sir.

Q Tell us what you remember.

A Well, he got up and he had this — I guess you would call it a Dictaphone, or something — he said he was speaking for himself — not for himself, but for his brother and his father and he was speaking to us as a friend and not an employer. He said that he had worked — I think that he said he had worked with [154] the union in New York. He said if we signed the union cards — if we wanted —

that was up to us. We could do what we wanted to about that, but said that he would not have any part of the union.

* * * *

[155] A (By Mr. Joy) I show you General Counsel's Exhibit 5, which is a copy of a letter sent by the Union to the Company, and ask if you ever seen the original of that letter?

A Yes, sir. I have.

Q Will you tell where and when you saw it, and under what circumstances?

A Well, it was on a Monday morning, Mr. Morris Scharff brought the letter around to me and asked me was my name supposed to be on there, and I told him that it was. He said, "Well, if that's the way you want it." and put a check mark by my name and walked off, and went to some of the other girls with the letter; then later I saw it posted on the bulletin board with another strip of paper beneath it.

* * * *

[156] Q (By Mr. Joy) When you saw the letter posted on the bulletin board, did it have any check marks on it other than the one beside your name?

A Yes, sir.

* * * *

Q Are you still employed by Walton?

A No, sir.

Q When were you fired, or laid off?
A January the 31st.

* * * *

[166] Q Did "Mr. Murph" ever say anything to you about being a smart operator, a good operator?
A Yes, sir. He did.
Q What did he say, and when?
A Well, right after I was put on Lucille Yancey's job, Grace asked me to try to do a few more pairs a day than I did the day before, and I did, and "Mr. Murph" commented on it several times.

MR. JOY:
I have no further questions.

TRIAL EXAMINER:
What sort of comments?

THE WITNESS:
He said I was improving and I was doing fine.

* * * *

[161] Q Now, you state that Mr. Morris Scharff made this speech in the plant; is that correct?
A Yes, sir.
Q Was it made during the working day?
A It was, yes, sir.
Q Was the power turned off in the plant?
A Yes, sir. It was.
Q Did you receive any compensation for that time lost

while the speech was made? In other words, were you paid for it, or did you lose pay on your paycheck; do you remember?

A Yes, sir. I'm pretty sure we did get paid for it.

* * * *

[180] MRS. PAULINE McGEE

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[181] Q (By Mr. Joy) Were you ever employed by Walton Manufacturing Company?

A I was.

Q When did you start there?

A August the 12th, 1957.

Q And who hired you?

A Mr. Morris Scharff hired me.

TRIAL EXAMINER:

What was that date, please?

THE WITNESS:

August 12th, 1957.

* * * *

[182] Q Who was your immediate supervisor?

A Mrs. Ewing, Myrtle Ewing.

Q On both jobs?

A Yes, sir.

Q Did she ever tell you that your work was not satisfactory?

A No, sir.

Q Did she ever tell you that you were not doing enough?

A No, sir. She didn't.

Q Who was the plant superintendent when you first started there?

A When I first started to work it was Mr. Hughley.

Q Did he ever tell you that your work was not satisfactory?

A No, sir.

Q Did he ever tell you that you were not doing enough?

A No, sir.

Q Was Mr. Hughley the superintendent of the plant throughout the time you were employed?

A No, sir. I think he left there—

Q Do you know what became of him?

A He went to the pants plant. It opened up, and then "Mr. Murph" took his place.

[183] Q Did "Mr. Murph" ever tell you that your work was not satisfactory?

A No; he was always patting me on the back, saying that I was doing fine.

Q Did Mr. Morris Scharff ever tell you that your work was not satisfactory?

A No, sir. He always said that I done fine.

Q Did Mr. Arthur Scharff ever tell you your work was fine?

A No, sir. Arthur never did come out and say nothing about my work.

Q Did any other supervisor ever tell you that your work was not satisfactory?

A No, sir.

* * * *

[185] (The document heretofore marked General Counsel's Exhibit No. 7 for identification was received in evidence.)

* * * *

Q Did you sign a card for, or join, the Union, the Amalgamated Clothing Workers?

A Yes, sir. I signed a Union card.

Q Did you attend any Union meeting at the Rosebud Community House?

A Yes, sir. I attended the first one and the third one.

Q Did you try to get other employees to join the Union?

A Yes, sir. I did. Going back and forth to work. I had some that rode to work with me. I didn't get any of them to [186] sign.

* * * *

Q (By Mr. Joy) Did you ever hear Mr. Morris Scharff make a speech in the plant?

A Yes, sir.

Q How many did you hear him make?

A Two.

* * * *

[187] Q (By Mr. Joy) Do you remember anything that was said by anyone?

* * * *

A In the first speech he said he wanted to explain the Union to us because he didn't think any of us knew anything about the Union, and that he had trouble with the Union for 19 years, he had been fighting it in New York.

* * * *

A He also said he wasn't telling us to vote for the Union or against it, but to do as we pleased, but he was not having the Union himself; if the Union came in, he wouldn't be there.

* * * *

[189] Q Who was your floorlady, or foreman?

A My floorlady?

Q Yes.

A Mrs. Myrtle Ewing.

Q Did she ever say anything to you about the Union?

A One time.

[190] Q When was that and what was said?

A Well, just right after the first Union meeting, after lunch. Two of the girls and myself had been talking about it at lunch; the bell rang and we started back to our machines; Myrtle came by our machines and says, "If you don't want to dig your own grave, you had better shut up talking about the Union."

Q I show you General Counsel's Exhibit 5, which is a

copy of a letter sent from Mr. Biggs to the Company, and ask you if you ever saw the original of that?

A Yes, sir. I have.

Q Will you tell when you saw it and who had it; what the circumstances were?

A Well, I saw it whenever Morris brought it by my machine. I don't know what date it was, to be exact. He got up by my machine and asked me if I had signed my name on that letter and I said, "Yes, I did," he said, "Do you know what that means?" and I said, "Yes, sir," and he said, "Well, all right, then." He wasn't smiling and I wasn't smiling. He went on to the other girls' machines

* * * *

[193] Q (By Mr. Joy) Did you see the letter again after Morris Scharff brought it to you?

A Yes, I did.

Q Where did you see it?

A It was posted on the bulletin board.

Q Were there markings on it when you saw it there?

A There was check marks, yes, sir.

Q Was there one beside your name?

A Yes, sir, there was a check mark beside my name, but by Jeanette Beaver's name there was a dash; there wasn't a check mark.

* * * *

Q (By Mr. Joy) Are you still working for Walton Manufactur- [194] ing Company?

A No, sir.

Q When were you terminated?

A The 31st day of January.

* * * *

[195] Q Have you been rehired by Walton Manufacturing?

A I have been back to try to get a job, but I didn't get one.

* * * *

[227] I. S. PROSTERMAN

resumed the stand and was examined and testified further as follows:

FURTHER DIRECT EXAMINATION

* * * *

Q (By Mr. Joy) Mr. Prosterman, when you were on the stand yesterday we were exploring the reasons as to the [228] termination of Lucille Yancey. I believe one of the factors you said was that she continued to have make-up; is that correct?

A That's correct.

Q Is it not true that many other employees were receiving make-up pay at that same time?

A That's true.

Q Is it not true that many of them had to — had never made production at all, and had to have make-up pay every week?

A That's right.

Q Is it true that a good many of them continued to draw make-up pay week after week after that time?

A Yes.

* * * *

[232] Q Tell us whether Grace McCart was discharged or laid off.

A Grace McCart was discharged.

Q Do you know why?

A Yes.

Q Why was that?

A She was laid off — she was discharged because of poor quality.

Q Is that the only reason.

A That is the only reason.

Q When was she discharged, please?

A The early part of January. I believe it was January 10.

Q Did you ever warn Grace McCart prior to her discharge as to bad work?

A Grace McCart was warned constantly from the first day that I came here to work, about her work.

TRIAL EXAMINER:

The question was whether you had ever warned her. You don't answer the question, Mr. Witness. I'd like you to answer the question directly. Did you warn Grace McCart of poor quality.

THE WITNESS:

I, personally, no.

TRIAL EXAMINER:

Now, that's the question that was asked of you. Don't answer any other question than the question that is asked of you.

Q Who replaced Grace McCart when she was discharged?

A Mary Alice McWaters.

* * * *

[237] Q All right. Do you know why Pearl Coker was terminated?

A Yes.

Q And do you know whether she was discharged or laid off?

A She was discharged.

Q Why?

A Pearl Coker, as an operator, was unable to show the production [238] that we thought should be accomplished on that job and give us the quality required at the same time.

Q What was her job?

A Her job was setting collars.

TRIAL EXAMINER:

Setting collars?

THE WITNESS:

Setting collars.

TRIAL EXAMINER:

Collars?

THE WITNESS:

Collars, C-O-L-L-A-R-S.

Q Now what reason was there for terminating her at that particular time?

A I had two operators available who were capable of turning out production and earning a great deal more. And I thought that Pearl Coker was surplus.

Q Who were they?

A They were Hester Lee McCart who was on the job at that time and Louise Simmons, who was on leave of absence ready to come back at my request.

Q Isn't it a fact that Louise Simmons had quit some months before?

A That is true.

Q Isn't it a fact that Mary Lou Partain was working on that job at that particular time?

A Mary Lou Partain worked on that job only as we required her. Her status in our factory was that of utility operator, and was only put on the job when we required her. In other [239] words, she didn't work steady on it.

Q She worked on that most of the time at that particular time, did she not?

A At that particular time, I believe so.

* * * *

[241] Q Do you know whether Bonnie Hamilton was discharged or laid off?

A Bonnie Hamilton was laid off.

Q Do you know why?

A Yes.

Q Why.

[242] A I was instructed to cut back my production. And therefore, it was necessary to reduce the personnel in the factory.

Q Why was she selected?

A She was selected from this particular section because I thought that the remaining operator had a greater potential and was a better operator.

Q Who was the other operator that you refer to.

A Lucille Yancey. Another Lucille Yancey.

Q That is not the same Lucille Yancey that we have discussed before?

A That is true. That is not the same Lucille Yancey.

Q When was Bonnie Hamilton laid off?

A January 31.

Q Was her work satisfactory?

A Her work was satisfactory.

Q What operations did she perform?

A She performed the setting of the welts. Welt setting. That's the welt breast pocket.

TRIAL EXAMINER:

What was the date on that? Excuse me.

THE WITNESS:

January 31.

Q Is welt setting the same thing as sewing in welts?

A Sewing in welts. Setting in welts.

Q Did she do any pocket work?

A Some.

Q What kind?

[243] A Lower pocket setting.

Q Is that patch pockets?

A She had done patch pocket work. At that particular time I don't recall that — I don't believe there was.

* * * *

[244] Q Bonnie Hamilton was making production all right, was she not?

A Yes.

Q Did you have makeup pay for her?

A No.

* * * *

[245] Q Have any new employees been hired at all since the layoff of Bonnie Hamilton and others on January 31st?

A Yes; there have.

* * * *

[247] Q Do you know whether Pauline McGee's termination was a discharge or a lay-off?

A It was a lay-off.

Q When was she laid off?

A January 31st.

Q And do you know why she was selected to be laid off?

A Yes.

Q Why?

A She worked on an operation similar to another operation [248] that was done by another operator by the name of Charlotte Findley; both of the same nature and character. Under the cut-back I only required one girl on the job. I selected Charlotte Findley because —

TRIAL EXAMINER:

You mean you selected Mrs. McGee.

THE WITNESS:

I selected Mrs. McGee for lay-off and Miss Findley to remain on the job, because Charlotte Findley showed more progress and I felt had a greater potential than Mrs. McGee.

* * * *

[249] TRIAL EXAMINER:

Was Pauline McGee capable of doing both types of work?

[250] THE WITNESS:

Pauline McGee was capable of doing either job.

* * * *

TRIAL EXAMINER:

Was that the consideration that you took into account when you laid her off?

THE WITNESS:

Well, not entirely. As Mr. Joy asked me before, he said, "Was it a close choice?" It was. And therefore I had to take another thing into consideration, and that was seniority. Charlotte Findley had some seniority on Pauline.

* * * *

[251] Q (By Mr. Joy) Mr. Prosterman, is it not true that there was a difference in the operations performed by

Pauline McGee and Charlotte Findley in that did not Pauline have to measure vents and turn up vents?

A Yes. There was a difference in the operation.

Q And Charlotte Findley did not have to perform that operation; is that correct?

A No. That's right.

* * * *

[252] Q (By Mr. Joy) Do you know whether Mrs. Violet Ewing was discharged or laid off?

A She was laid off.

Q When?

A January 31st.

Q Why was she selected for termination?

A I required one girl to do two jobs. Prior to that I had two girls, one doing one job and one the other. This has to do with the nature of the work involved. Margaret Britt did the operation that was known as making up flaps. Violet Ewing made welts. I consider the making of flaps an operation which requires a higher degree of skill than the operation of making welts.

Q In what respect —

A Margaret — what's that?

Q Go ahead.

A Margaret Britt was a more exacting operator and I felt could absorb the operation of making welts faster than the reverse. In other words, I felt she could do Ewing's job better than Ewing could do Margaret Britt's job. Since this [253] is an operation that requires skill and the finished product is what I term the face of the coat; a detail which

requires exacting operator skill; I decided to retain Margaret Britt and lay off Violet Ewing.

* * * *

Q (By Mr. Joy) Did not Violet Ewing also have another operation, other than making welts?

A At that particular time both operators, Margaret Britt and Violet Ewing, divided between them an operation called the sewing of facings. Facing sewing — I believe you call it sewing of pocket facings, to be exact.

Q You say both of them did that?

A Both of them shared that work.

* * * *

[254] Q Who had the best record on production? That is, on the amount of make-up?

A Ewing. Violet Ewing had a better record than Margaret Britt.

* * * *

Q Do you know whether Ida Harper's termination was a discharge or a lay-off?

TRIAL EXAMINER:

Before you go away from that, I have a question to ask. Who has been doing the making of the welts and pocket facings since the lay-off of January 31st?

THE WITNESS:

The welts are being made by Margaret Britt. The pocket

facings are being sewn by Magdeline — but I don't remember her last name.

TRIAL EXAMINER:

You may continue, Mr. Joy.

[255] Q (By Mr. Joy) Is that Magdeline Baker?

A I don't know.

Q Do you know whether Ida Harper's termination was discharge or lay-off.

A It was a lay-off.

Q And when was she laid off?

A January 31st.

Q And why was she selected to be laid off?

* * * *

A . . . First of all, she was a girl who just would not produce properly. She was a girl who worked on the job six or eight hours that should have required only four hours. Her general attitude was poor in the factory. She had a bad absentee record. Geneva Harris was a girl who we felt had the experience required to carry both jobs.

* * * *

[256] Q You referred to a bad absentee record. How bad would you have in mind?

A I don't have the records available, sir, but I am sure that could be made available to you.

Q Do you mean she had a poorer attendance record than did other employees?

A Poorer than some.

Q Better than others?

A Better than others; yes. About which, I don't know. I don't have the records available.

THE COURT:

What was it about her absentee record that made you state she had an absentee record?

THE WITNESS:

Because when she was needed on the job, she wasn't there.

TRIAL EXAMINER:

Was that frequent or not frequent?

THE WITNESS:

That was frequent, but I don't have the exact dates.

TRIAL EXAMINER:

How long had this been going on?

[257] THE WITNESS:

Ever since she worked for us.

* * * *

[258] Q Did you ever warn her about absenteeism?

A No.

* * * *

[259] TRIAL EXAMINER:

You state Ida Harper was laid off partly because her general attitude was poor and also because of her bad ab-

sentee record .In what respect was her general attitude poor?

THE WITNESS:

Well, first of all, she had a very bad make-up record.

TRIAL EXAMINER:

Now is that what you mean by a bad general attitude; a bad make-up record?

THE WITNESS:

No. And she apparently did not take kindly [260] to requests from the supervisors for increasing her production.

TRIAL EXAMINER:

You say "apparently." Why do you say "apparently"?

THE WITNESS:

I say apparently because she didn't improve. After her supervisor was instructed to so admonish her.

TRIAL EXAMINER:

Now you are not talking about an attitude of the girl on her job, but rather about poor production; isn't that correct?

THE WITNESS:

Not necessarily. For this, I must — I can only tell you what her supervisors told me about this girl.

TRIAL EXAMINER:

What were the reports that you received about her?

THE WITNESS:

The reports that I received were she liked to play around. She wouldn't stick to her job. Spent a lot of time in the washroom. Talked excessively.

TRIAL EXAMINER:

Had she been warned about these things?

THE WITNESS:

Yes.

TRIAL EXAMINER:

On how many occasions?

THE WITNESS:

This, I don't know.

TRIAL EXAMINER:

Frequently?

THE WITNESS:

This I can also not say.

TRIAL EXAMINER:

On how many occasions did you instruct your supervisors to warn her?

THE WITNESS:

I cannot say how many occasions.

* * * *

[261] TRIAL EXAMINER:
Did you ever consider discharging her?

THE WITNESS:
We did.

TRIAL EXAMINER:
Why was she not discharged because of her bad attitude, and poor absenteeism, prior to the lay-off?

THE WITNESS:
This particular section was always in a state of flux and also a policy of the company regarding the quantity of production that was needed was also in a state of flux about this time. Sometimes we found it necessary to overlook certain things because let's say we needed the production from that particular section.

TRIAL EXAMINER:
Were there not other employees available in the area who could take over her work and whose attitude and attendance record would be better?

THE WITNESS:
No. For the reason that this is a special machine. This happens to be a machine which is difficult to learn.

* * * *

[266] Q Morris Scharff. All right. Let's turn to Elizabeth Johnson or Frances Johnson I believe she's sometimes

called. Do you know whether her termination was laid off or discharged?

A She was laid off.

Q When?

A February 31.

Q Why was she selected to be laid off?

A I had a section — she was in the lining section at the time. I had five people in that section. On some occasions I had another person — it was about five and one half people. I found it necessary to reduce my force by two operators. And since I felt that Elizabeth Johnson and Mary Barnes were the [267] least qualified in that section, I laid them off.

Q Who were the other three?

A The other three. There was Annie Brooks, Ima Jean Meeks, and Adell Barnes. And what I said about a part time operator was this Mary Lou Partain. She also did some work in the lining section.

Q Was Mary Barnes laid off at the same time?

A Yes.

Q Was Mary Barnes recalled?

A Mary Barnes was recalled. Yes.

* * * *

[268] Q Do you know whether Nellie Hood's termination was a layoff or a discharge.

A It was a layoff.

[269] Q When?

A January 31.

* * * * *

Q Why was she selected to be laid off?

A Under the cut back, the type of work that she was doing was easily absorbed by various people in the factory. She [270] performed the work — what we call floor work, she carried bundles and matched backs and fronts, matched pockets, and various other odd jobs. And we felt she was surplus.

TRIAL EXAMINER:

Was this a position that required very little skill?

THE WITNESS:

Yes, sir.

* * * *

Q All right, now. Do you know whether Evelyn Hudson's termination was a layoff or discharge?

A That was a layoff.

Q When was she laid off?

TRIAL EXAMINER:

Mr. Joy, when you are reading and your voice is down, I don't hear you. I didn't hear the name.

Q I'm sorry. Evelyn Hudson.

TRIAL EXAMINER:

Evelyn Hudson.

Q When was she laid off?

A January 31.

Q Why was she selected for termination?

A She was a member of the sleeve making section. She

did an operation known as sleeve tacking. It consists of sewing the [271] sleeve lining to the sleeve for a space of aproximately four inches on one side and five inches on the other. Her operation I considered a most mechanical — within the section the most easily learned by others. Therefore, in the face of the fact that I had to do this with a minimum amount of cost and retraining, she was selected and her operation was absorbed by the others.

* * * *

[274] Now, we come to Nellie Wood. W-O-O-D. Do you know whether her termination was a layoff or a discharge?

A It was a layoff.

Q And when was she laid off?

A She was laid off on January 31.

* * * *

[276] TRIAL EXAMINER:

When you say she was not considered a utility operator, is that a classification you personally gave in your own mind, or is that something which is reflected in some records of the company?

THE WITNESS:

Actually, what we classify as a utility operator depends on how we use them in the factory. How we use their services in the factory. If we have an operator to jump around from operation to operation, we put her in what we call the utility class because they can't possibly hope to earn what a person on the job would earn staying at a job steady.

TRIAL EXAMINER:

Does a utility operator get a different salary, different wage rate?

THE WITNESS:

They are paid by the hour rather than by the piece.

* * * *

[277] TRIAL EXAMINER:

I don't think that you ever completely answered the original question of Mr. Joy, and I'm not suggesting that it's your fault. I think Mr. Joy interrupted with another question. I don't think you actually ever answered the question as to why Nellie Wood was selected for layoff. You started by saying she did two types of work which two girls were doing [278] two thirds of the time. Now, would you care to complete your answer.

THE WITNESS:

Yes. Since on a cutback production program, I only needed the two girls on the job, she was surplus.

* * * *

Q Have they continued to handle all the work without help from others?

A No. But I must qualify that. May I do so?

TRIAL EXAMINER:

Yes.

A Johnnie Starrett has been able to handle her own work satisfactorily in quality. Laverne Bowen has had her

work increased since that time by the addition of a partial operation that was formerly done in a separate operation. That was known as bottom hem basteing.

TRIAL EXAMINER:
Bottom hem?

THE WITNESS:
Bottom hem basteing.
And since the inclusion of that particular portion of the operation, the consolidation of those operations, she has required help for approximately one third or one fourth of the day usually.

TRIAL EXAMINER:
Where did that help come from?

THE WITNESS:
That help came from another operator in the [279] plant who does the next operation to her. The second baster, Jerry — Geraldine — I can't think of her name. Jerry —

* * * *

[: 4] PAULINE McGEE
a witness previously called by and on behalf of General Counsel, having been previously duly sworn, was examined and testified as follows:

* * * *

[308] REDIRECT EXAMINATION

• • • •

TRIAL EXAMINER:

When did you go back to the Walton Manufacturing Company for employment?

[309] THE WITNESS:

That was in June. The last part of June. I talked to Morris and Mr. "Murph" and my floorlady, also.

TRIAL EXAMINER:

What is the name of the floorlady?

THE WITNESS:

Myrtle Ewing.

Q (By Mr. Sheinkman) You say you talked to Morris?

A Yes, sir.

Q What did he tell you about recalling you to work, if anything?

A He asked me if I had talked to Mr. "Murph". I told him I had. He said, "What did he tell you?" I said, "He said he would call me just as quick as they make more production." And he said, "Well, he will."

• • • •

[310] MRS. LUCILLE YANCEY

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

Q (By Mr. Joy) When did you start working for Walton Manufacturing Company?

A I started work June 28, 1957.

* * * *

[311] Q Did you make production so as to get out of makeup pay?

A Well, I didn't have work all the time to make production on. But when I got it, I could probably make one — it all depended on how the work —

Q I'm not referring to hours. On your weekly pay did you have makeup pay in your pay, or did you make more than a dollar an hour.

A I made more than a dollar an hour.

Q Who was your immediate supervisor?

A Mrs. Grace Higgins.

Q Did she ever tell you that your work was not satisfactory?

A No. She never did.

Q Did she ever tell you that it was satisfactory?

A Well she would keep telling me that I had improved.

Q Did she ever refer to any reports that she made to Mr. Morris Scharff about your production?

A After production was set, she came by my machine and said they were pressing for more production. And she said "They won't have to worry about you". And she said there was another girl that she wouldn't have to worry

about. Said she knew I'd get mine and that was all she ever said.

* * * *

[314] Q And who did you say you spoke to about transferring?

A Arthur Scharff.

Q And did you tell him why you wanted to transfer?

A Yes. I told him that was what I was most experienced in and I felt I could make more money on serger than I could on the lining and facing job. And he told me there wouldn't be anybody transferred to the pants plant. And he said it takes brains to make coats and anybody can make pants.

TRIAL EXAMINER:

Where did this conversation take place?

THE WITNESS:

Up towards the front close to the main office.

TRIAL EXAMINER:

You mean at the Walton Manufacturing Company Plant?

THE WITNESS:

Yes.

[315] Q (By Mr. Joy) Did you join a union or sign a card for a union?

A Yes.

Q Do you remember when?

A It was one Saturday afternoon, but I don't know the date.

Q Do you remember the month?
A November.
Q Where did you do so?
A At my home.

* * * *

Q Are you still employed by — have you ever been discharged by Walton Manufacturing Company?
A Yes.
Q When were you discharged?
A December 4.
Q While you were employed there before that date did you ever hear Mr. Morris Scharff make a speech to the employees at the plant?
A Yes.
Q When was that with reference to the date of your termination?
A December 3.
Q Between the time you signed the card for the union and the date of your termination did any organizer visit your home?
[316] A Yes.
Q Who did so?
A Mr. Biggs and Mr. Ager and Sarah Druten.
Q Did they come only once or more than once?
A They came in succession about three times. And then just occasionally.

* * * *

Q Now, on December 4, in connection with your termination, tell what happened, what was said.

A Well, Mr. Murph came by my machine just about a quarter 'til quitting time and he told me he would like to speak to me a moment. And so I turned my machine off and got up and walked over to the table where he was. And he said "Lucille, I'm sorry to break the news to you, but I'm going to have to lay you off". I says, "Mr. Murph, why are you laying me off? And he said he [317] said they didn't have enough work and I told him, I said, "Well, I've made production two hours every day and the other time I just didn't have the work." And I told him we had worked hard to get better cooperation there and my husband was the first one in the council to stand up and make a move to give them their taxes free the first year. And I was placed on the personnel committee to solicit applications to get people to work for them. And I told him, I said, "I think it's bad to lay anybody off that had worked so hard for anything." And he asked me did I want to talk to Morris. And I said, "I sure do."

* * * *

[318] Q (By Mr. Joy) All right. Did you talk to Morris about that? After Mr. Mruph asked you if you wanted to talk to him?

A Yes, I did.

Q When?

A I went into his office that afternoon.

Q Same day?

A Same day. December 4.

Q Now, you say in his office. Is that a private office?

A Well, I would presume it was.

Q What happened there?

A Well, I told him that —

Q Was anybody else present?

A Yes. He called Doc Mitchell in. And he told Doc, says "Doc, I'm having to lay Lucille off due to the fact that there's not enough work".

* * * *

[319] Q Tell about any further discussion, if any, between you and Morris Scharff that afternoon.

A Well, I wanted to know why he was laying me off and he said due to the fact there wasn't any work. And that's when I told him I had made production a little that day, but I didn't have the work to make it all the time. And I told him that there must be some other reason that he was laying me off. And he didn't answer me on that.

Q Did you refer to the length of time that you had been working there?

A Yes. The only thing he did say, he said my work was bad. And I said, "Well, Morris, I've been here almost six months. Why are you telling me now about my work? Why wasn't I told before now and why did you keep me this long?

Q What did he say?

A He didn't say anything.

* * * *

[320] Q Did you talk to him in person after that?

A Yes.

Q When?

A December 5.

Q That's the day of your termination?

A Yes.

Q Where did you talk to him?

A In his office.

Q Was anyone else present at that time?

A No.

Q What was said that time?

A Well, I told him I wanted to talk to him about the job and why I was discharged and — so the first thing he did, he reached over and picked up a union paper and handed it to me, which I didn't know anything about what union, what kind it was or anything. He just handed me the union paper.

Q You mean in the nature of a newspaper or a hand bill.

A Well, I would say it was a little paper about this long [321] and about that wide.

TRIAL EXAMINER:

Did it have printing on it, typing on it, multigraphing on it, or what?

THE WITNESS:

Well, I didn't notice it that close. It was printed. I know that.

TRIAL EXAMINER:

It was printed.

A So I told him, I said, "Morris, that's another reason you are laying me off." And so he said, "Well, Lucille, I tell you, I've been informed that you and your husband have been working with the union organizers".

• • • •

[322] Q Did you ask for your job back at that time?

A Yes, I did.

Q What was said? What did you say and what was said in reply?

A He said that he didn't know whether I signed a union card or not. And I told him, I said, "Well, Morris, my job means more than being a member of the union, and if you will give me my job back, I won't vote for the union." I definitely told him I wouldn't vote for the union. And after he didn't give me my job back, of course, I had no other choice. I went on with the union.

Q What did he say when you said that to him? What did he say about giving you your job back?

A Well, he couldn't put me back to work.

* * * *

[323] Q (By Mr. Joy) After you told Mr. Scharff — Morris Scharff, that you didn't have to be for the union and you wouldn't vote for it if you could have your job back, let your memory go back to the situation and tell us as close as you can recall, just what he said.

TRIAL EXAMINER:

What did he say in answer to that?

A Well, he said he couldn't give me my job back.

TRIAL EXAMINER:

Did he say why?

THE WITNESS:
He said if the union didn't go in, he'd put me back to work.

* * * *

TRIAL EXAMINER:
Mrs. Yancey, were you ever told by any of your supervisors that the quality of your work was poor at any time while you were employed by Walton Manufacturing Company?

THE WITNESS:
No.

TRIAL EXAMINER:
Did Mr. Murph ever tell you that your work was poor?

THE WITNESS:
No.

[324] TRIAL EXAMINER:
Did Mrs. Higgins ever tell you that your work was poor?

THE WITNESS:
No.

* * * *

[341] PEARL COKER
a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

Q (By Mr. Joy) When did you start working for Walton Manufactruing Company?

A The 26th of July, 1957.

* * * *

[343] Q Were you ever laid off or discharged from Walton Manufacturing Company?

A Yes.

Q When?

A The 15th of January 1958.

Q At that time did anyone else work on the same operations that you did?

[344] A Yes.

Q Who were they?

A Hester McCart and Mary Lou Partain.

* * * *

Q During the period of your employment there did you ever hear Mr. Morris Scharff make any talk or speech to the employees in the plant?

A Yes.

Q How many times?

A Well, twice, as I remember it.

* * * *

A Well, he told us that he didn't have any part of the [345] company. That he didn't have — wasn't getting any salary. That he was acting as a spokesman for his father and brother. And that if the union came in, he didn't want any part of it. He hoped to have a part in the near future, but if the union came in, he didn't want any part of it.

* * * *

Q Was there anything said about whether or not they would recognize the union?

A Yes. He did say that they would close the plant, before they would recognize the union.

* * * *

Q Did you sign a card for the union or join the union?

A Yes.

Q Did you attend any meetings?

A Yes.

Q Where were they?

[346] A The Rosebud Community House.

Q How many meetings did you attend, there?

A Two.

Q Now do you know the dates of those you attended?

A Well, I didn't attend the first one. Let's see. The last one, I remember.

Q What was that date?

A The 9th of December — I mean January.

Q 1958?

A 1958.

TRIAL EXAMINER:
Was that January 9th?

THE WITNESS:
January the 9th.

TRIAL EXAMINER:
When was the first one?

THE WITNESS:
That was the last one.

TRIAL EXAMINER:
No; I asked when was the first one.

THE WITNESS:
I don't remember.

Q (By Mr. Joy) Who was your forelady?

A Grace Higgins.

Q Did she ever talk to you about the union?

A No.

Q Did you talk to her about it?

A No.

Q Any discussion at all between you about union meetings?

A Well, on the 10th of January I told Grace Higgins that morning that I attended the union meeting the night before.

[347] Q Did she say anything in reply?

A Yes.

Q What?

A She asked who was in there that would want a union?

That the Scharffs had told them at their supervisory meetings that they would close their doors before they would work union labor.

Q Were you ever discharged from Walton Manufacturing Company, or laid off from there?

A Sir?

Q Were you ever discharged or laid off from Walton Manufacturing Company?

A Yes.

Q When?

A 15th of January.

Q Will you tell what happened at that time?

A Well, it was just a few minutes before 5:00 o'clock. Before time for us to check out, and Mr. "Murph" came and said that Morris wanted to see me in his office with "Murph."

Q Did you go?

A Yes.

* * * *

[348] Q And what was said, and who said it?

A Well, Morris told me that he was going to have to lay me off; discharge me.

Q Said what? Go ahead. Give the full —

A He said he was going to have to lay me off. That I wasn't doing enough work. That my work was satisfactory and it was nice, and they didn't find any fault with my work, but they just wouldn't need me any more, because I just didn't make enough money, and he wasn't going to have anyone in there unless they made 55 or $60 a week. And he said if one operator could do it, another one could.

Q What did you say at that time?

A I asked him if I couldn't do that on that job, would he give me a chance on something else.

Q Was there any reply to that?

A He didn't. "Murph" told me they didn't have anything for me to do in there.

Q Now while you were working there did Grace Mitchell ever tell you that you were not doing enough work?

A No.

Q Did Mr. "Murph" tell you that?

A No.

Q Who hired you?

A Morris.

Q Did he ever tell you before that day that you were not doing [349] enough work?

A No.

* * * *

TRIAL EXAMINER:

Did anybody tell you that you were not doing enough work?

THE WITNESS:

No.

* * * *

[350] Q (By Mr. Joy) Have you at any time returned to the employment of Walton Manufacturing Company since that time?

A Yes.

Q When?
A 7th of October.

TRIAL EXAMINER:
This year?

THE WITNESS:
This year.
Q (By Mr. Joy) And what kind of work are you doing now?
A I am sewing the collars on the coats.
Q Anything else?
[351] A No, sir.

TRIAL EXAMINER:
Is that the same work you were doing the last time?

THE WITNESS:
Yes.

• • • •

[358] VIOLET EWING
a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

[359] TRIAL EXAMINER:
State your full name and address for the reporter.

THE WITNESS:
My name is Violet Ewing. And I live in Loganville Route 2.

DIRECT EXAMINATION

Q (By Mr. Joy) When did you start work for Walton Manufacturing Company?

A June 28, 1957.

• • • •

[360] Q After you were put on production, did you have any makeup money in your pay?

A For a while; yes.

[361] Q About when; do you know? About when did you come out of make-up?

A I believe it was around the first of December, or the middle, anyway.

• • • •

Q Who was your immediate supervisor?

A Jerry Carter.

Q Did Jerry ever say that your work wasn't satisfactory, or that you were not doing enough?

A No.

Q Did Mr. Hughley or Mr. "Murph" ever say so?

A No.

Q Did Morris Sharff ever say anything to you about it not being satisfactory?

A No.

Q Any other supervisor?

(Witness shook head negatively.)

• • • •

[362] Q Did you sign a card for the union, or join the union?

A Yes.

• • • •

Q Did you attend any of the meetings at the Rosebud Community House?

A Yes.

Q How many?

A All three.

• • • •

[363] Q Did you ever hear any supervisor say anything about the [364] union other than the speech that Mr. Sharff, Morris Sharff made?

A One.

Q Who was that?

A Myrtle Ewing.

Q Myrtle Ewing. And —

TRIAL EXAMINER:

Is she any relation of yours?

THE WITNESS:

Sister-in-law.

Q (By Mr. Joy) Do you know when that was?

A I don't remember the date.

Q About when was it?

A Well, the organizers hadn't been in but two or three weeks, when it happened.

Q Was it before or after the first union meeting? Do you recall that?

A Before the first one.

Q What did Myrtle Ewing say about the union?

A She had asked me did I know that there were any organizers around, and I said that I did. She said "Morris said he didn't care how good an operator a girl was, or who she was; that he would fire her, if he found out she had joined the union."

* * * *

[365] Q (By Mr. Joy) I show you a copy of a letter, General Counsel's Exhibit 5, and ask you if you have ever seen it, the original of that letter.

A Yes.

Q Will you tell us when you saw that, and under what circumstances?

[366] A That one, particular one, Morris brought it to my machine one Monday morning, and asked me if my name was supposed to be on there, and I told him that it was.

Q Do you know the date when that occurred?

A It was on a Monday before the 31st. Now I haven't counted back.

Q What else, if anything, was said when he showed you the letter and asked if your name was supposed to be on it?

A I told him that it was, and he asked me did I still want to go along with them, and I said yes, and that was all he said.

Q Did he do anything while he was there?

A He checked my name with a pencil. He and his uncle.

Q Did you ever see the letter again?

A Yes.

Q Where?

A It was put on the bulletin board.

Q What did — what date did you see it there?

A At lunch time, the same day.

Q When you saw it there did it have any other check marks on it?

A Yes. Some of the other girls' names were checked.

Q Were there any other marks?

A One with a dash.

Q Who was that?

[367] A Jeanette Beaver.

Q Have you ever been terminated or laid off by Walton Manufacturing Company?

A Yes.

Q When was that?

A January 31, 1958.

Q Will you tell what happened at that time in connection with your lay-off or termination?

A Well, I was told by my supervisor to go to the office.

TRIAL EXAMINER:

Who was your supervisor?

THE WITNESS:

Jerry Carter.

A About ten minutes to 5:00.

Q (By Mr. Joy) Did he say whose office?

A Morris's. He wanted to see me in the office.

Q What happened when you got there?

A There were several of the other girls in the office when I went in. Then Mr. "Murph" came in, and Morris, and

Mr. "Murph" said due to a drastic cut in production, they were going to have to let some of us girls go. And during the time one of the girls — I don't know who it was — asked if it was just temporary, and at the time "Murph" said it was temporary. Then some of the girls kept pressing him how long would it be, or when we would be back, and he said, "Well, definitely, for the time being, it was definitely permanent."

• • • •

[375] TRIAL EXAMINER:
Before you cross examine, Mr. Thompson, I have one or two questions I want to ask this witness.

You stated that you joined the union — did you state the date — the approximate date when you joined the union?

THE WITNESS:
I believe it was before Thanksgiving.

TRIAL EXAMINER:
Before Thanksgiving. And after you joined the union, did you solicit others to join the union?

THE WITNESS:
No.

TRIAL EXAMINER:
Did not solicit anybody to join the union?

THE WITNESS:
No.

TRIAL EXAMINER:
You did say something about talking to others about the union. Was that soliciting them to become members?

THE WITNESS:
Well, I was just talking for the union. I didn't ask them to join it.

TRIAL EXAMINER:
And you say you didn't solicit. You mean you didn't —

THE WITNESS:
Hand out a card, no.

TRIAL EXAMINER:
But you did suggest that they should join the union?

THE WITNESS:
I admitted I liked the idea.

TRIAL EXAMINER:
And you suggested that they ought to join it?

[376] THE WITNESS:
Yes.

TRIAL EXAMINER:
Is that right?

THE WITNESS:
Yes.

TRIAL EXAMINER:
That's all.

• • • •

[385] GRACE McCART

A witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

• • • •

Q (By Mr. Joy) When did you first start working for Walton Manufacturing Company?

[386] A June 27, 1957.

• • • •

[387] Q What kind of machine did you use for that?

A A Lewis blindstitch.

Q What do you mean by blindstitch?

A It's a machine that stitches one layer of material to the next without going through the bottom layer.

Q I see. Is that a difficult machine to operate?

A Yes.

Q As compared to a straight sewing machine?

A Yes.

Q Did your machine operate satisfactorily?

A No, sir.

Q What happened? — What was wrong with it?

A Well, it would skip places in the collar and wouldn't

fasten to the coat — wouldn't fasten the under-collar to the coat.

[388] Q Did you ever report that to your supervisor?

A Yes.

Q Who was your supervisor?

A Myrtle Ewing.

Q Did you report it just once or more often than that?

A Many times.

* * * *

Q (By Mr. Joy) Going back to the date. Did you have the trouble at any one particular time, or was it spread over a long period of time?

A Over a long period of time.

[389] Q What period of time?

A Well, the whole time that I worked on that machine.

Q I see. How long was that?

A From June 27 to January 10.

TRIAL EXAMINER:

Did you work on the same machine all that period?

THE WITNESS:

No, not all.

TRIAL EXAMINER:

You are being asked when — how long a time did you work on this machine?

THE WITNESS:

Well, I started working on that machine about August — around the first of August.

TRIAL EXAMINER:
And you worked on the same machine until you were laid off?

THE WITNESS:
Yes.

TRIAL EXAMINER:
And when did you first experience trouble with that machine?

THE WITNESS:
When I first started sewing on it.

TRIAL EXAMINER:
And when did you first report to Mrs. Ewing that you were having trouble with the machine?

THE WITNESS:
When I first had the trouble.

TRIAL EXAMINER:
And what did you say to Mrs. Ewing at that time?

THE WITNESS:
Well, I showed her the work — the way the machine was doing.

TRIAL EXAMINER:
And what did she say to you?

[390] THE WITNESS:
She had the mechanic to come work on the machine to fix it.

TRIAL EXAMINER:
And did it stay fixed?

THE WITNESS:
No, sir.

TRIAL EXAMINER:
Did you report it again?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
How long after the first time?

THE WITNESS:
How long before the machine —

TRIAL EXAMINER:
How long after you reported it the first time did you report again that the machine was giving you difficulty?

THE WITNESS:
Maybe fifteen minutes or a half an hour.

TRIAL EXAMINER:
You mean the same day?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
After the mechanic went away?

THE WITNESS:
Yes, sir.

TRIAL EXAMINER:
Did the mechanic come back again?

THE WITNESS:
Yes.

TRIAL EXAMINER:
And did he fix it this time?

THE WITNESS:
No. He said he didn't know too much about this machine. He'd think he had it fixed and it wouldn't be fixed.

TRIAL EXAMINER:
How many times in all did you complain about this machine?

THE WITNESS:
I wouldn't have any idea. Every day for about [391] the first three months.

* * * *

Q Were you ever laid off or discharged from Walton Manufacturing?

A Yes.

Q When?

[392] A January 9, 1958. January 10.

Q 10th. Tell us what happened. Who discharged you and what was said?

A Mr. Murph discharged me. He came to my machine, told me that he was going to have to take me off that job. And I asked him why. And he said they were having too much bad work. I asked him if they were having enough bad work for me to be fired for, why wasn't the bad work brought back to me. And he said "Well, a lot of the collars have been sewn with the wrong color thread." And I told him that was the same color thread that I had used ever since I had been on that machine. And I asked him was he sure that was the reason he was laying me off. And he said "Yes."

Q Before that date, had Myrtle Ewing ever told you that your work was bad?

A No, sir.

Q Had Mr. Murph ever told you that your work was bad before that date?

A No.

Q Who hired you?

A Mr. Ewing.

Q Did he ever tell you that your work was not good?

A No.

Q Did Morris Scharff ever tell you your work was bad?

A No.

Q Did any other supervisor ever tell you that?

[393] A No, sir.

* * * *

Q After your discharge on January 10, did you talk to anyone at the company about your discharge?

A Yes.

Q Who did you talk to?

A I talked to Morris.

Q Morris Scharff?

A Yes, sir.

Q When?

A I called Morris on the phone on January 13th.

Q And what happened?

A I asked him — I told him that I wanted him to tell me why I was fired. And he told me to come down the next day and he would talk it over with Murph and for me to come down the next day and talk to him.

Q And did you do so?

A Yes, sir.

[394] Q Did you talk to Morris Scharff?

A Yes, sir.

Q That would be the fourteenth of January?

A Yes, sir.

Q And where did you talk to him?

A In his office.

Q Was anyone else present?

A No, sir.

Q Tell us, as fully as you can, what you remember of the conversation that took place at that time.

A Morris said he had talked to Murph. They had decided that we had too much trouble with the collars. I told him that I couldn't have done that much bad work because I didn't have makeup on my check at that time. And that no one had complained to me about my work being bad. And he asked me did I go to a union meeting on Thursday night. And I told him "Yes." And I told him that I didn't

think you were supposed to be fired for going to a union meeting. And he said "You wasn't." And I told him that I knew that was the reason. And he asked me who was at the meeting and I told him that I couldn't tell him. And I told him that a certain girl that worked in the plant came by for me to go. And he wanted to know what that girl's name was. And I told him I couldn't tell him.

Q Was there any further discussion between you as to the identity of the girl?

[395] A He asked me wasn't the girl that worked down below, the one that sews on tape. And I told him "No," that it wasn't her. And he said, "well, was it Annie Clark?" And I said "No, it wasn't Annie Clark." And he said well, he knew everybody that was at the meeting anyway.

TRIAL EXAMINER:

He was asking you about the name of the girl that suggested you go to the meeting?

THE WITNESS:

Yes. And I told him that I didn't know anything about it. That I had just gone to that one meeting. And he said, "Well, I can tell you the ones that's working the most for it."

TRIAL EXAMINER:

Was this the meeting of January 9?

THE WITNESS:

The one meeting that I attended. Yes.

TRIAL EXAMINER:

Was that on January 9?

THE WITNESS:

Yes.

[396] A (Continuing) And I told him that I didn't know who worked for the union and who didn't. And he said, "Ruth Brooks, Pearl Coker, Jeanette Beaver."

TRIAL EXAMINER:

What did he say about those three names?

THE WITNESS:

He said they worked the most for it.

* * * *

[402] Q Did you report that machine as giving you trouble?

A Yes.

Q Was it fixed?

A The mechanic worked on it.

Q Well, after he worked on it, did it work properly?

A No.

[403] Q And did that machine continue to give you trouble up until the time you were laid off?

A Yes.

Q So that at no time during the first term of your employment with this company did you have a machine that was properly operating; is that correct?

A That's right. Not for any length of time.

Q You mean it did work properly some time?

A Yes.

Q And at other times it did not.

A That's right.

* * * *

BONNIE HAMILTON

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

• • • •

[404] DIRECT EXAMINATION

Q (By Mr. Joy) When did you start to work for Walton Manufacturing Company?

A July 3, 1957.

• • • •

[405] A At first, when I was hired, it was on an hourly basis, and then it was put on production.

Q Did you make production?

A Yes.

Q Who was your immediate supervisor?

A Jerry Carter.

Q Did he ever tell you that your work was not satisfactory?

A No; he did not.

Q Or that you were not doing enough?

A No.

Q Did Mr. Hughley ever tell you?

A No.

Q Or Mr. "Murph"?

A No.

Q How about Morris Sharff?

A No.

Q Any other supervisor ever tell you your work wasn't satisfactory, or that you were not doing enough?

A No.

Q How soon after you started working on production did you make production.

A Well, I never did have any make-up on my check.

Q Did you ever see Morris Sharff out in the plant?

A Yes.

Q What did he do there?

[406] A He would go around to some of the jobs looking at them and commenting on the work.

Q Did he ever look at your work?

A Yes; he did.

Q Did he make any comment at any time?

A Yes. Not too long after I went to work he come around to my machine and examined my work and he said that my work was getting so good that he was going to have to quit looking at it.

Q Did you work with anyone else on the operations you were performing?

A Yes.

Q Who was that?

A Lucille Yancey.

Q And did she do the same kind of operations you did?

A Yes; she did.

Q Do you know which of you had more work returned for repair?

A Actually, I couldn't say.

Q So far as you know were any records of repairs kept?

A As far as I know, there were none.

Q Did each person do their own repair work?

A They were supposed to, but they didn't.

Q Well, will you tell us what happened? Why they didn't?

* * * *

[407] A Well, most of the time it would be brought back for me to do it because she didn't like to do that repair work. When we did that repair work it was knocked out of our regular work.

Q (By Mr. Joy) When you say she didn't like to do it; who didn't?

A Lucille Yancey.

Q Is this the Lucille Yancey who was laid off and who is a part of this Charge?

A No.

Q Now so far as you know did she ever do any repair work on the work you had previously done?

A As far as I know, she didn't.

TRIAL EXAMINER:

Did you do any repair work on work that she had done?

THE WITNESS:

Yes; I did.

Q (By Mr. Joy) In addition to doing welts and patch pockets did you ever do any other kind of jobs?

A Yes.

[408] Q Such as what?

A When work was slow and we were short time, I put in flap pockets, bar-tacking, side-seams, and back-seams.

Q In so far as you know when you did those other operations did you do them satisfactorily?

A Yes.

Q Did any supervisors ever tell you that you weren't doing them satisfactorily?

A No; they didn't.

Q Did you ever hear Morris Sharff give a speech in the plant?

A Yes, sir.

Q How many times?

A Two.

Q Do you remember when they were?

A Not the exact dates.

Q Can you place the approximate date of the first one?

A Well, one was made before Thanksgiving, and the second one was made about the 1st of December.

Q Do you remember everything that was said?

A No.

Q Do you remember anything that was said?

A Yes.

Q Will you tell us what you remember of the first speech?

A Well, in the first speech he told us that he was making [409] a speech to us as a friend, and not as an employee, and he drew no salary whatsoever. And he was acting on the part of his brother and his father. And he told us that he had dealings in New York with the union, and he knew about it, and he was explaining to us what it was, and he said if the union wanted to get in bad enough, that they will try to sign what they call a sweetheart pact. Now what that is, I don't know.

Q Do you recall anything else that was said?

A Not on that particular speech.

Q Do you remember him saying anything about what would happen if the union was brought in by the employees?

A Well, he said if the union was brought in we wouldn't have him.

* * * *

[411] Q Other than the speeches made by Morris Sharff, did you ever hear him or any other supervisor mention the union to any employee?

A On one occasion, I did.

Q Can you tell when that was?

A Well, it was somewhere after the first speech, because I went during the break to get a coke and I overheard Morris tell J. B. Stevens that he would close the shop before he would let the union come in.

TRIAL EXAMINER:

Where was this?

THE WITNESS:

In the plant.

TRIAL EXAMINER:

Who is J. B. Stevens?

THE WITNESS:

He is the janitor. He sweeps the floor, and does odd jobs I guess is what you would call him.

Q (By Mr. Joy) Had Stevens ever said anything to you about the union?

A Yes.

Q When was that, and what was said?

[412] A Well, I don't remember when it was, but he was locked up one day for having been reported for driving a stolen car, and when he came back to the plant he came over to my machine and was talking and said that the damn union women had him locked up.

I said they weren't to blame for everything that happened. I said if he wouldn'e be following them all the time he wouldn't get locked up.

He said the Sharffs paid his salary and he would do what they told him.

Q Did you attend the union meetings at the Rosebud Community House?

A Yes; I did.

* * * *

[413] Q (By Mr. Joy) I show you General Counsel's Exhibit 5, which is a copy of a letter sent by the union to the company, and ask if you have ever seen the original of that letter.

A Yes, sir; I have.

Q Will you tell when and under what circumstances? You — who had it? If anything was said.

A I don't remember the date, but Morris came to my machine one Monday morning and he asked me if my name belonged on [414] that letter, and I told him that it did. And he said, "Well, all right."

Q Did he say anything more at that time?

A At that time, he did not.

Q Did he do anything? Make any markings on the letter, or anything of that nature?

A Yes.

* * * *

Q Did you see the letter again?

A Yes; I did.

Q When?
A He tacked it on the bulletin board.
Q When you say "he," who do you mean?
A Morris.
Q You saw him put it up?
A Yes; I did.
Q Were you ever discharged or laid off by Walton Manufacturing Company?
A Yes.
Q When?
A January 31st.

* * * *

[432] MRS. IDA HARPER

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[433] Q (By Mr. Joy) When did you start working for Walton Manufacturing Company?
A It was in July, around the 17th. I don't know the exact date, of 1957.

* * * *

Q And when you were actually hired and put to work who told you that you were being hired?
A Morris.
Q What kind of work did you do?

A I hemmed the lining to the coat.

Q What kind of machine did you use for that?

A A Lewis felling machine.

Q Felling?

[434] A Felling.

TRIAL EXAMINER:

What was that?

Q Lewis felling machine.

Did you do that operation during your entire period of employment?

A Yes, sir.

Q Did you do any other kind of operations?

A When I would get caught up or sometimes if I worked hard on my job they would take me off and I would help Sarah Elizabeth to take out repairs, or something like that.

Q On your felling operation, were you paid by production or by the hour?

A Hour.

Q Throughout the whole time?

A Yes, sir.

Q Paid by the hour?

A (Nods head affirmatively)

Q You were not on production?

A No.

Q Is that Lewis machine that you were using a blind stitch machine?

A Yes.

Q Did it work properly?

A No, sir.

Q Did the company have a maintenance mechanic to take care of the machine or did you make your own adjustments?

[435] A Well, Jimmy, the mechanic that worked on the machines, did work on it. Sometimes he could fix it, sometimes he couldn't.

* * * *

[436] Q (By Mr. Joy) What operation immediately preceded yours in the production process?

A You mean the one that done it before I did?

Q No. In the operation before your operation, what was done with the garment just before you worked on it?

A The lining was basted down.

Q Who did that?

A Charlotte Finley. F-I-N-L-E-Y.

Q Do you know whether basting is more difficult, less difficult or the same difficulty as the operation you were performing?

[437] A I would say it was easier than what I was doing.

TRIAL EXAMINER:

You say that she basted the lining to the coat?

THE WITNESS:

Yes, sir.

Q Does the basteing machine use a bobbin?

A No, sir.

Q Did your machine have a bobbin?

A Yes, sir.

Q Did the basteing machine use the same color of thread all — throughout, or did it have to change colors of thread?

A The same kind of thread. The same color.

Q And your operation — did you have to change color, or could you use the same color all the time?

A Yes. I had to change.

Q Were you able to keep up with the flow of work coming from Charlotte Finley?

A Unless I was took off my job or the machine gave trouble.

Q If the machine was operating properly and if you were not taken off for other work, you mean you kept up with it. Is that correct?

A Yes, sir.

Q Who was your immediate supervisor?

A Myrtle Ewing.

Q Did she ever tell you that your work was not satisfactory or that you were not doing enough?

[438] A No, sir.

Q Who was the superintendent when you were hired?

A Mr. Hughley.

Q Did he ever tell you your work was not satisfactory?

A No, sir.

Q Did Mr. Murph ever tell you your work was not satisfactory?

A No, sir.

Q Did you ever see Morris Scharff in the plant?

A Yes, sir.

Q What did he do out there?

A Well, he'd walk around and I'd see him talking to the floor ladies.

Q Did he ever tell you that your work was not satisfactory?

A No, sir.

Q Did you join or sign a card for the union?

A Yes, sir.

Q Do you remember when?

A No, sir.

Q Did you attend any meetings at Rosebud Community House?

A Yes, sir.

Q How many?

A One.

Q Do you remember the date?

A No, sir. Yes, I do. It was January 9th.

Q Did you hear Morris Scharff make any speeches in the plant?

[439] Q Do you remember how many you heard?

A I know I heard one.

Q Do you remember everything — pardon me. Do you know when that was?

A No, sir. I don't.

Q Do you know how many speeches he made in the plant?

A No, sir.

Q The one that you heard, was that before Christmas or after Christmas?

A I believe it was before Christmas.

Q Can you tell us how much before Christmas it might have been?

A I guess it was around the 5th or 6th. Something like that. Around the first of December.

Q You mean around the 5th or 6th of December?

A Yes.

Q Do you remember everything that he said?

A No, sir.

Q Do you remember anything that he said?

A Yes, sir.

Q Will you tell us as fully as you can recall what was said?

A Well, he said that if the Union came in, that he would leave. That he was in one in New York and he would leave and we wouldn't have him. And that we had advantages now that we wouldn't have if the union come in.

* * * *

[441] Q I show you General Counsel's Exhibit 5, which is a copy of a letter sent by the union to the company and ask you if you saw the original of that letter?

A Yes, sir.

Q Will you tell us where and when you saw it and what was said?

A Well, the first time I saw it was when Morris came to my machine with it.

Q Can you place the date when he came in?

A No, sir. I don't know the exact date. I —

Q Beg pardon?

A I don't know the exact date. It was on Monday.

Q On Monday. Go ahead.

A And he came to me and asked me did I know my name was on there. And I told him "Yes." And he asked me if I wanted it to stay on there and I told him "Yes." He said "You know what this leads up to." And put a check by my name and walked out.

[442] TRIAL EXAMINER:

He said "You know what this leads up to"?

THE WITNESS:

Yes.

TRIAL EXAMINER:

What did you say when he said that?

THE WITNESS:

I didn't say anything. He walked off.

Q (By Mr. Joy) With respect to — withdraw that. Were you laid off at any time or discharged.

A Yes, sir.

Q When?

A January 31, 1958.

Q Now, how long before that date of termination was the conversation where Morris Scharff showed you the letter and asked you the questions?

A It was on Monday when he showed me the letter. It was on Friday when I got laid off.

Q Same week?

A Yes. If I'm not mistaken, same week.

Q Did you see the letter again after that?

A Yes, sir.

Q Where?

A On the bulletin board.

Q When?

A Same day.

Q Same day. Were there any markings placed on that letter?

A Yes, sir.

Q Now, will you describe those markings as best you can remember?

[443] A Well, all the names that was on there except three had a check by them. And Lela Beaver had been laid off. And Lucy Brooks wasn't there. And Jeanette Beaver's name had a straight mark by it.

TRIAL EXAMINER:

What do you mean by Lucy Brooks had been laid off? With reference to the work by her name?

THE WITNESS:

It wasn't Lucy Brooks. It was Lela Beaver. Lucy was out sick or something.

TRIAL EXAMINER:

There was no mark alongside her name? Is that it?

THE WITNESS:

Yes, sir.

TRIAL EXAMINER:

As to what marks you saw on this letter — you saw marks — check marks — alongside of every name except two, is that right? And by one name you saw a line beside of it?

THE WITNESS:

Yes.

TRIAL EXAMINER:

Now, what were the two names that had no marks?

THE WITNESS:

Lucy Brooks. And I believe it was Lela Beaver.

* * * *

[450] CROSS EXAMINATION

Q (By Mr. Thompson) . . .

* * * *

[459] Q During the time that you were employed by this company, approximately how many coats did you turn out per day?

A Well, if I had them, some days I would do over 500.

Q On an average day, how many did you turn out?

A I wouldn't know. I mean, I just don't remember.

Q Were there many days that you turned out 500?

A Well, it was according to whether I had the work, or not, and how the machine sewed.

Q Now answer my question. Were there many days that you turned out more than 500?

A There was a good many.

TRIAL EXAMINER:

More than 500?

THE WITNESS:

Yes, sir.

• • • •

Q (By Mr. Thompson) . . .

• • • •

Q Now Mrs. Hamilton — I mean Mrs. Harper, isn't it true that at the time you were working at this plant that you spent a portion of your time while you were supposed to be working or while you were working, perhaps, talking and laughing and generally staying away from the work that you were supposed to be doing?

A Well now, when I wouldn't have anything to do, or if I was just about caught up, Myrtle would tell me to take my [460] time, or either go to the bathroom, or do something You know, she didn't have anything for me to do.

TRIAL EXAMINER:

You are talking about Myrtle Ewing.

THE WITNESS:

Yes.

• • • •

[469] NELLIE WOOD

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

• • • •

[470] Q (By Mr. Joy) Mrs. Wood, did you ever work for Walton Manufacturing Company?

A Yes, sir.

Q When did you start work there?

A Around the 5th of August of last year.

• • • •

[473] Q Who at Walton Manufacturing Company was your immediate supervisor?

A Myrtle Ewing.

Q Did she ever tell you that your work was not satisfactory?

A No, sir.

Q Did she ever tell you that it was satisfactory?

A Yes, sir.

Q What did she say about it?

A She just said I was doing good and Morris and Mr. Hughley thought I was a good operator.

Q When did she say that? Can you place the date?

A On several occasions.

Q Can you place the approximate date?

A No. I can't.

Q Was it shortly after you started to work there?

A Yes, sir.

Q — or much later?

A Shortly after.

[474] Q Did Mr. Morris Scharff ever tell — say anything to you about your work?

A No, sir. Only that he was pleased with it.

Q Did — pardon me, do you know when the date was or approximately when he said that to you?

A Mr. Scharff?

Q Yes.

A On nearly every occasion I talked to him.

Q And about how often would that happen — how often would that have been?

A I don't know.

Q Was it just one or two times? Or eight or ten times?

A Well, about four or five times, I imagine.

* * * *

[475] Q All right. Did Mr. Murph ever say anything to you about your work?

A No, sir. Nothing. Only that I was a good operator.

Q Can you place about when he said that to you?

A Well, I don't remember him saying it until about two weeks before I left from there.

Q About two weeks before you left — were laid off?
A Yes.

TRIAL EXAMINER:
You mean Mr. Murph did say that your work was satisfactory two weeks before he laid you off?

THE WITNESS:
Yes.

TRIAL EXAMINER:
Is that what you say?

THE WITNESS:
Yes.

Q (By Mr. Joy) Did you ever hear Mr. Morris Scharff make a speech in either of the two plants in which you worked from time to time?
A Yes, sir.
Q How many speeches did you hear?
A Two.
Q In which plant was the first one?
A Pants plant.
Q Pants plant. Can you place the date when that occurred?
A No, sir. I can't.
[476] Q In which plant was the second one that you heard?
A The Walton.
Q The Walton Manufacturing Plant?
A Yes.
Q Can you place the date of that?
A No, sir.

Q Did you join a union or sign a card for the union?

A Yes, sir.

Q Did you attend any meeting of the union?

A Three.

Q Three. Where were those meetings held?

A One of them at the Rosebud Community School House.

Q And the others?

A One at Lucy Brooks' and one at Violet Ewing's.

Q I see. Did you at any time talk to any of the employees about the union on behalf of the union?

A Yes, sir.

Q Where did you do that?

A In the parking lot at the Walton Manufacturing Company and in the pants plant at — at the Loganville Pants Plant.

Q When you say "at the pants plant", was that during working hours?

A No, sir.

* * * *

[478] Q Tell us as best you can remember the conversation between you and Mr. Hughley at that time.

A Mr. Hughley asked me was I getting utility pay. I told him I didn't know. I had got a raise, but I couldn't understand why I was shifted from one machine to another, when I could make more on one job. And he said that he could understand it very well. That I was a good utility operator.

Q Now, you say that you had gotten a raise?

A Yes, sir.

Q How many raises did you get?

A I got two.

Q Were you paid on an hourly basis or on piece work with minimum?

A Hourly basis. What I made over that I got paid for.

Q In other words, you got paid by the piece, but with an hourly minimum. Is that what you mean?

A I don't know. I know I got ten cents an hour plus what I made over that.

* * * *

[480] Q Now, when was the second raise?

A Two weeks before I was discharged.

* * * *

[481] Q (By Mr. Joy) I show you General Counsel's Exhibit 5, which is a copy of a letter sent by the Union to the Company, and ask you have you ever seen the original of that letter before?

A Yes, sir.

Q Will you tell us when you saw that? Who had it? And what was said?

A It was on Monday morning. Mr. Scharff had the letter.

Q Which Mr. Scharff?

A Morris.

Q And where was that?

A There in the plant.

Q While you were at work?

A Yes, sir.

Q Tell just what happened, please.

A He brought the letter to me and asked me if I knew my name was on it.

I told him, "Yes."

He asked me if I wanted it to stay on it.

I told him, "Yes."

He asked me if I knew the consequences.

I told him, "Yes."

* * * *

[482] Q Now when were you — pardon me. Have you ever been fired or laid off from Waltons?

A On the 31st of January.

* * * *

[484] Q Did you ever talk to Morris about going back to work?

A Not until about the middle of June.

Q And where did you talk to him about it?

A In his office.

Q At the plant?

A Yes, sir.

Q And what was — about what time of day was that?

A I went by there about 8:30, I guess, and he told me that you was coming and drop back by when you come in.

Q Did he say anything else in connection with that?

A No.

Q Did he say anything about the Charge?

A Just said I had a claim against them. And I told him I had asked to be out of there.

Q And then he told you to come back after I arrived there; is that correct?

A Yes.
Q Did you go back to work?
A The 23rd of June; yes, sir.

* * * *

[497] (The document heretofore marked General Counsel's Exhibit No. 9 for identification, was received in evidence.)

MARY ALICE McWATERS

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER:

Give your name and address to the official reporter.

THE WITNESS:

Mary Alice McWaters, Box 63, Walnut Groove, Georgia.

DIRECT EXAMINATION

Q (By Mr. Joy) Did you ever work for Loganville Pants Company?
A Yes, sir; I did.
Q When did you start work there?
A Some time in October of '57.
[498] Q And what kind of work did you do there?
A I ran a Lewis blind stitch machine.

Q How long did you work for Loganville Pants Company?

A From October until some time in December.

Q And did you quit Loganville Pants Company, or just what happened at that time?

A Well, I was transferred from Loganville Pants Company to Walton Manufacturing Company.

Q Who transferred you?

A Mr. Hughley told me to go over.

* * * *

[503] Q What kind of a machine were you using for that? You may havve covvered that before.

A A. Lewis blind stitch machine.

Q When you started that operation were you given any previously sewed coats and collars to do over again?

A Not as I recall.

Q Did that Lewis blind stitch machine work satisfactorily?

A Yes. But at times it gave trouble.

Q How often?

A Well, maybe sometimes every two or three days. Maybe sometimes every day.

Q Did that continue throughout the period of — you operated on it?

[504] A Yes, sir; it did.

Q Did the mechanic work on the machine when it gave trouble?

A Yes, sir; he did.

Q Did he succeed in getting it fixed?

A He would get it fixed, and it would run good for two or three days, and it would break down again.

* * * *

[519] NELLIE HOOD

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

Q (By Mr. Joy) . . .

* * * *

[520] Q When you started, what was your rate of pay?

A Dollar an hour.

Q Did you ever get a raise?

A Yes, I did.

[521] Q When?

A I would say it was around two months after I went to work.

Q How much raise did you get?

A Ten cents an hour.

Q Who gave you the raise?

A Morris Scharff.

Q Did he tell you personally that you were getting the raise?

A Yes, he did.

Q Who was your immediate supervisor?

A Jerry Carter.

Q Did he ever tell you that your work was not all right?

A No. He did not.

Q Or that you were not doing enough?

A No. He did not.

Q Who hired you?

A Mr. Hughley.

Q Did he ever tell you that your work was not properly done or that you were not doing enough?

A No. He did not.

Q Did Mr. Murph ever tell you that?

A No. He didn't.

Q Did Mr. Morris Scharff ever tell you that — that your work was not properly done or not enough?

A No.

[522] Q Did your supervisor ever do so?

A No.

Q Did you ever hear Morris Scharff make a speech in the plant?

A Yes. I did.

Q How many did you hear?

A One.

Q Do you recall when that was?

A No. I'm not sure.

Q Can you place it approximately?

A Around September or December.

Q Beg pardon?

A Around the middle of September or the middle of December. I'm not sure.

Q That's a long ways apart.

A I meant November instead of September.

Q November or December.

A Yes.

Q Was it after the union organizers came to town, so far as you knew?

A Yes, it was.

Q Had you signed a union card?

A Yes, I did.

Q Had you signed one at the time he made his speech?

A Yes, I had.

* * * *

[523] Q You don't remember that. Did Jerry Carter ever say anything to you about the union?

A Yes, he did.

Q When was that?

A I don't remember the exact date.

Q Can you place about when it was?

A It was around — when the first speech was made.

[524] Q Could you say whether it was before or after the speech?

A I would say it was after.

Q Tell what happened. What was said?

A He came to me and asked me what I knew about the union. And I told him that I didn't know anything about it, to keep from discussing it with him because it was during working hours.

Q Were you working at the time?

A Yes, I was.

TRIAL EXAMINER:

Was that all the conversation you had with him?

THE WITNESS:

Yes.

Q May I have General Counsel's Exhibit 5, please?

I show you General Counsel's Exhibit 5, copy of a letter sent by the union to the company and ask you if you have ever seen the original of that letter?

A Yes, I have.

Q Will you please tell where and when you saw it and just what happened?

A The first time I saw the letter was the 27th of January when Mr. Morris Scharff brought it to me and asked if my name belonged on it.

Q Go ahead, give the full —

A And I told him that it did. And he said "Well, all right, then." and put a check by my name, and went to Bonnie Hamilton.

[525] TRIAL EXAMINER:

Is that all Mr. Scharff said?

THE WITNESS:

Yes, it was.

Q (By Mr. Joy) After that incident that you just told us about, did Jerry Carter say anything to you further about the union or about that letter?

A Yes, he did.

Q When?

A It was right after Morris brought it around and showed it to me.

Q What did he say?

A He come to me and said that I told him a story about the union.

Q Was that all it was?

A Yes. I walked off.

Q Were you ever — were you ever discharged or laid off by Walton Manufacturing Company?

A Yes, I was.

Q When?

A January 31.

* * * *

[526] Q Now, while you were working there on your job, including carrying bundles, did that include taking to employees work that was to be repaired or done over?

A Yes, it did.

Q Did you ever take any to Bonnie Hamilton or Lucille Yancey who worked with her?

A Most of the repairs were taken back to Bonnie.

Q Did you decide who to take them to or how did you know who to take them to?

A My supervisor told me who to take them to.

Q Jerry Carter?

A Jerry Carter.

Q Do you know whose work it was that was taken back to be done over?

A Well, when he brought the work to me to be ripped out, he [527] always said "This is more of Lucille's sorry doings".

TRIAL EXAMINER:

Lucille who?

THE WITNESS:

Lucille Yancey.

TRIAL EXAMINER:

Now, we've got two Lucille Yanceys in the record. Now. which one are we talking about?

MR. JOY:

This is the one who worked with Bonnie —

TRIAL EXAMINER:

I don't want your testimony. I want —

MR. JOY:

Oh, pardon me, you were looking at me and I thought you were asking me.

TRIAL EXAMINER:

Well, I was looking at you, sir, to clarify the record.

Q (By Mr. Joy) Was that the Lucille Yancey that was laid off or discharged, or the Lucille Yancey that was not?

A The Lucille Yancey that was not.

* * * *

[539] RUTH BROOKS

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

Q (By Mr. Joy) Were you ever employed by Walton Manufacturing Company, or the Loganville Pants Company?

A Yes; I was.

Q Which one?

A Both.

Q With which one did you first work?

[540] A Walton Manufacturing Company.

Q When did you start there?

A The first day of July in 1957.

* * * *

[546] Q How were you normally paid? By production rate, with a minimum, or by a straight hourly rate?

A The best I recall I was paid by a minimum, at the beginning. But then we were put on a production rate.

Q Did you make production so that you didn't have to have a make-up?

A No; I didn't.

Q So far as you know, did anybody make production?

A I don't think so.

Q When you were doing repairs were you paid separately for that time, or was that just counted in on your full time?

A It was counted in my full time.

Q What effect did that have upon your production earnings?

A Well, it put me in a lot of make-up.

Q Did you discuss this, talk to any of your supervisors about that?

A Yes. Just before Christmas I talked to Mr. Hughley

about having so much make-up, and I said, "You remember what I have to do."

He said, "Yes; I know that." He says, "There are not but a few girls working here," and he says, "I know what each one are doing, and as long as I say nothing to you about your make-up, you have nothing to worry about."

* * * *

[547] Q Now after you began working in the pants plant, did you ever hear Morris Scharff make a speech there?

A Yes; I did.

Q How many?

A One.

Q Will you tell us what you heard, and what you remember of it?

A Well, he told us that he was like we were. That he was [548] employed by his brother. That he did not have any part in the company. And that he was speaking in his behalf. That it wasn't anything to him if we wanted a union, but there was one thing certain; if it came in, that he would go out. That he had worked in New York under a union, and he was tired of it, and that's why they came down here.

* * * *

Q (By Mr. Joy) Did he say what would be the result if the employees brought the Union in?

[549] A He said they would close the doors.

* * * *

[554] Q Did you sign a card for the Union, or join the Union?

A Yes; I did.

Q Did you attend any union meetings?

A Yes; I did.

Q How many did you attend?

A The best I remember I have attended six meetings.

Q Were you ever discharged or laid off by Loganville Pants?

A Yes; I was.

Q When was that?

[555] A The 16th day of January of '57 — 1958. I am sorry.

Q Now these union meetings that you attended, were they before or after you were laid off?

A I attended three meetings at Rosebud Community Clubhouse and I was discharged the week after the last meeting.

* * * *

Q I believe you said that Edna Atha was your forelady at the pants plant.

A That's right.

Q Did she ever talk to you about the union, or ask you anything about the union, or union activity?

A She asked me one day if the union people had been to see me, and I told her yes, they had. They had probably seen everybody by that time.

* * * *

[564] Q (By Mr. Joy) Will you tell us what happened the day you were discharged, please?

A Well, the day I was discharged, just before five, it was on Thursday, January 16th, Edna Atha, our floorlady, was giving out our checks. And she gave everybody theirs and came to me last and when she gave me mine she said "Ruth, Mr. Hughley wants to see you in the office after the bell rings." And so it kind of upset me, but I gathered myself together before I went in there. When I went in he asked me to have a seat and I sat down and he said, "Ruth, I hate to tell you [565] this, but I'm gonna have to let you go." And he said, "We've been checking over the records and we find that you have a good bit of makeup. You've been here for quite a while, and due to the fact that you do have makeup, we are going to have to let you go."

Q Was there anyone else present?

A No.

TRIAL EXAMINER:

What did you say when he told you that?

THE WITNESS:

I said — I told him, I said, "Mr. Hughley, I don't believe what you told me. I have talked to you about this matter and you told me that you knew what I was doing and that I had nothing to worry about." And then he said, "Morris made me do it."

Q What else happened? What else was said or happened at that time?

A When he said that he handed me my last check and I asked him if he had my discharge papers and he said "No, you will have to go down to the other plant to get

that." And I said well, "I won't get it if I go." And she said, "Why?" And I said, "Well, the other girls that have been discharged before me didn't receive theirs and I won't get mine either."

Q Was anything said by either of you about union activities?

A Yes. I told him that I knew why I was being discharged and he said, "Why is that?" And I said, "Because of union activities." And he said, "Well, you girls are paying too much [566] attention to this guy that came down from the north, giving you the piece rates on your jobs. And we can't afford to pay those rates that they pay up there."

* * * *

Q Did you go to the other plant about your separation notice?

A Yes. I called Morris Scharff — before this, let me go back, this comes to my mind. He said, "I will see that you get your separation paper." He said, "This plant belongs to Mr. Ruble. I operate it and I will see that you get your separation papers." I said, "Mr. Hughley, this plant belongs to Mr. Ruble and you operate it for him, how can Morris Scharff fire me?" He again said, "He made me do it."

* * * *

[608] LELA BEAVER

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

Q (By Mr. Joy) Did you ever work for the Loganville Pants Company?

A Yes.

Q When did you start work there?

A It was about the third week in September in '57.

* * * *

[609] Q Who was your floor lady in working at Loganville Pants Company?

A Edna Atha.

Q What kind of work did you do there?

A Well, I set flies and turned corners.

Q Did you stay on that job alone, or did you do other jobs?

A No, sir. I could keep so far ahead on my job that they put me on different operations.

Q Did Edna Atha ever tell you that your work was not satisfactory?

A No, sir. She liked my work.

Q You mentioned Mr. Hughley, I believe. Was he in charge [610] there?

A Yes, sir.

Q Did he ever tell you that your work was not satisfactory?

A No, sir. He said, "I like your work and you could do your production if you could just get it."

Q Do you know when he said that to you?

A Well, he told me that about the third week.

Q About the third week after you started work?

A That's right

* * * *

[611] Q Did you ever hear Mr. Morris Scharff make a speech there in the plant—in the pants plant?

A Yes, he made a couple of speeches.

Q Do you recall when they were?

A No, I can't recall the date.

Q These speeches that were made in the Loganville Pants Company?

A That's right.

Q Can you give the approximate dates, what month they were?

A Well, I'd say one was in November. I'm not sure. I'd say one was in January.

Q I see. That's the best you can remember?

A To the best of my memory, yes.

Q Do you remember everything that Mr. Morris Scharff said?

A No, I don't.

Q Do you remember anything that he said?

A Well, he said he was tired of running.

Q Tired of what?

A Tired of running from the union.

TRIAL EXAMINER:

Suppose you tell us everything you remember that he said.

[612] A Well, —

TRIAL EXAMINER:

If he's tired of running from the union, what else did he say?

A Well, he promised us good work, said that he'd always gotten along with us. That he wanted to be nice to us. I can't remember everything he did say. But I do remember him

saying he was tired of running from the union. He had run his last time.

TRIAL EXAMINER:

Did he give you any indication as to what he meant by running from the union?

THE WITNESS:

To the best of my memory, he said that was why he came here.

Q Was there any reference to a plant at New York?

A Yes. He said—that was why he left New York?

Q What was why he left New York?

A The union.

Q Did he say anything about what would happen if the union came in the Loganville plant?

A He said he'd walk out the back door.

* * * *

[619] Q Were you ever laid off or fired from Loganville Pants Company?

A No, sir. Not since—the first time I worked there they laid me off.

Q Laid you off? When?

A It was about the last of January of '58.

* * * *

[620] . . . I asked Hughley why I didn't get one. He told me, said, "I don't know, but you can call Morris. Maybe he can tell you."

Q Morris Scharff?

A Right.
Q Did you do so?
A Yes, sir.
Q When?
A That afternoon.
Q Same afternoon?
A Yes.
Q Where did you call from?
A I called from the pants plant down to the coat shop.
Q And did you talk to Morris Scharff?
A Yes.
Q Will you tell us just what was said in the conversation?
A Well, he said I could come in Thursday and talk to him about it.
Q Did he say anything else that you recall?
A Well, I asked him why I didn't get a ticket for my machine and he said well, he didn't know, but he would talk to me Thursday. And I asked him if he was laying me off, why couldn't I get paid off. And he said, well, he couldn't pay me off. And [621] he said, "If you want to quit, come down here and I'll pay you off." And I said I didn't want to quit if he had a job for me. I want to work.
Q And did you talk to him after that?
A Yes. I went in on—it was either Thursday or Friday.
Q That's the same week that you were notified of the transfer of the machines, is that right?
A Yes.
Q Where did you talk to him?
A Down at the coat shop?
Q Yes.
A Well, I went to his office. I guess it was his office.

Q Was there any mention of the union? Any discussion between you and Morris at that time about the union?

A Yes.

Q What was said by whom? Just tell the full discussion.

A Well, I can't remember exactly what all was said. But I told him I knew why he was laying me off was because I was for the union.

TRIAL EXAMINER:

What did he say?

THE WITNESS:

Well, he didn't give me a direct answer.

TRIAL EXAMINER:

What did he say?

THE WITNESS:

Well, he'd split my job and give it to two other girls. If the union come in, he'd go out the back door.

* * * *

[642] NANCY WILLIAMS

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

* * * *

DIRECT EXAMINATION

Q (By Mr. Joy) Mrs. Williams, did you ever work for Loganville Pants Company?

A Yes, sir.

* * * *

[646] Q Do you remember when Ruth Brooks was terminated? I don't mean I'm asking you to place the date, but do you remember the fact that she ceased to work there?

A Yes.

Q After she was terminated, were any new girls hired, to your knowledge?

A There was one girl. Yes.

Q Do you recall her name?

A Virginia is all that I know.

Q You don't know her last name?

A No.

[647] Q How soon after Mrs. Brooks' termination was this Virginia hired?

A Within a few days.

Q Do you know what kind of work she was assigned to doing?

A She was working on the back pockets.

Q What type of work did Ruth Brooks do before she was terminated?

A She was working on back pockets.

Q Did this Virginia operate a machine?

A Sir?

Q Did this Virginia who was hired—did she operate a machine?

A Yes, sir.

Q Do you know what machine she operated?

A She took Ruth's machine.

Q I see. Were you ever laid off or fired from Loganville Pants Company?

A Yes, sir. When the plant closed.

* * * *

[672] EVELYN HUDSON

a witness called by and on behalf of General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

Q (By Mr. Joy) Mrs. Hudson, when did you start working for Walton Manufacturing Company?

A June the 25th, 1957

Q What jobs did you work on there?

A Well, I started putting on patch pockets. Then they changed me to sewing in darts, then I was changed to several other jobs. And then, finally, put on tacking sleeves and turning.

Q Was that your last regular job?

A That's right.

TRIAL EXAMINER:

What was that last job, please?

THE WITNESS:

Tack and turn sleeves.

Q About how long were you on that job?

A Well, I was on those other jobs, I guess, about two or three weeks. Then I was put on tack and turn the sleeves. And I worked on that unitl the 31st of January, '58.

* * * *

[673] Q (By Mr. Joy) Were you on piece work, or paid by the hour on that?

A Piece work.

Q Did you make production on that?

A I did.

Q How soon after starting your work did you start making production? About how soon?

A Well, I imagine it was about a month. I wouldn't say for sure.

Q Who was your supervisor?

A Grace Higgins.

Q Did she ever say that your work was not satisfactory or that there was not enough of it?

A No.

[674] Q Who hired you?

A Mr. Hughley.

Q Did he ever say that your work was not satisfactory or not enough of it?

A No.

Q Did Mr. Murph ever say so?

A No.

Q Did Mr. Morris Scharff ever say so?

A No.

Q Any other supervisor?

A No.

Q Did you join the union or sign a card for the union?
A I did.
Q Do you recall when?
A Well, I can't recall the exact date.
Q Approximately.
A But it was sometime around the—before Thanksgiving.
Q Did you talk to other employees about the union?
A Only one other.
Q Did you attend any meetings at the Rosebud Community House?
A All of them.

* * * *

[676] Q (By Mr. Joy) I show you General Counsel's Exhibit 5, which is a copy of a letter sent by the union to the Company and I ask you if you have ever seen the original of that letter?
A I have seen that. Yes.

TRIAL EXAMINER:
What was that answer?

THE REPORTER:
I have seen that.
Q Will you tell us where and when you saw that?
A I saw that letter on the bulletin board.
Q Did you see it before it was on the bulletin board?
A What was that?
Q Did you see it before it was on the bulletin board?
A No. I did not.

[677] Q Was the letter ever shown to you personally at any time?

A Yes.

Q By whom?

A It was shown to me by Morris Scharff.

Q Where and when?

A He brought it to my machine and asked ne if I had signed that—signed the letter. And I told him "Yes.", that I had. And he says, "Do you realize, Evelyn, that this could work a hardship on you?" And I told him "Yes", that I did. And he said that—he said, "Do you want to leave your name on this letter?" I told him, "Yes." And he walked off. Put a check mark by my name, and walked away.

Q Now, was that before or after you saw it on the bulletin board?

A That was before I saw it on the bulletin board.

TRIAL EXAMINER:

Just where was the bulletin board located in the plant?

THE WITNESS:

Well, the bulletin board was up towards the front.

TRIAL EXAMINER:

What was usually maintained on the bulletin board?

THE WITNESS:

Well, it was different statements—statements of the company that they wanted us to see and know about. And they put—this paper was on—they put it up there.

TRIAL EXAMINER:

Did anybody other the company put things [678] on the bulletin board.

THE WITNESS:

No, I don't imagine so unless it would be cards of thanks—thank you for flowers or something like that. Otherwise, the company always put them up there.

* * * *

Q (By Mr. Joy) Were you ever laid off or discharged from Walton Manufacturing Company?

A Yes, I was.

Q When?

A On January the 31st.

* * * *

[728] The document heretofore marked General Counsel's Exhibit No. 19 for identification, was received in evidence.

* * * *

[775] I. R. PROSTERMAN

recalled as a witness by General Counsel, having been previously duly sworn, was examined and testified further as follows:

FURTHER CROSS EXAMINATION

* * * *

Q (By Mr. Joy) Mr. Prosterman, when you were on the witness stand before, the question came up as to the number of employees in the plant, both before the lay-off and at the present time, and it was understood and agreed, as I understood it, that you were going to get those data and submit them to us. Do you have those data?

A Yes; I do.

Q Will you give us what the facts are in that respect?

A At the time of the lay-off, January 31st, there were 90 people employed in the coat operations.

[776] Q (By Trial Examiner) How many were laid off, of the 90?

A Now this, I do not have at hand. Those figures, though, are available.

MR. SHEINKMAN:

Mr. Examiner, I think the best evidence of this would be the production of Company records as to the number of employees employed in each department prior—

TRIAL EXAMINER:

Are you objecting to my question?

MR. SHEINKMAN:

Yes, sir.

TRIAL EXAMINER:

Overruled.

Q (By Trial Examiner) You don't have the answer?

A I don't have the answer at hand.

Q These were 90 people employed prior to the lay-off?

A Prior to the lay-off there were 90 people employed in coat operations.

Q At the time of the lay-off, how many people were employed in Loganville in the pants operation?

A This, I do not know.

MR. SHEINKMAN:

Sir, if I may point out to the Examiner that as of the 31st of January the pants operations had moved from the Loganville plant into the Walton plant, sir.

TRIAL EXAMINER:

I realize that.

THE WITNESS:

That's right, but I don't know the number of employees.

TRIAL EXAMINER:

Continue, Mr. Joy.

Q (By Mr. Joy) How many people are there presently employed [777] in coat operations?

A In the coat operation there are presently 77.

Q Going back to the previous figure: When you said 90 prior to the lay-off do you mean at the time of the lay-off?

A At the time of the lay-off. Prior to the lay-off.

Q The January 31st lay-off?

A That is correct.

Q (By Trial Examiner) Who decided what the extent of the lay-off was going to be?

A I did.

Q And you don't know how many people you laid off?

A No; I don't. I don't have those figures available. Approximately 20, in the coat operation.

TRIAL EXAMINER:

Go ahead, Mr. Joy.

Q (By Mr. Joy) Will you state for us what, if any, was the policy as to the application of seniority as a factor in determining who was to be laid off and who was to be retained?

A Yes; I would. In determining the people who were to be laid off, the first consideration was given to the type of operator I wished to retain.

Then, on a comparative basis, on a comparison between the operators, I wished to retain and the operators I wished to lay off, I took into consideration, first, quality. I wished to remain with the operator I believed best—the most competent to give me the best quality.

[778] Next in order, I took into consideration production. So therefore, the operator who could give me the best quality and the most production was to be retained.

When these factors were equal, or nearly so, then I took into consideration seniority, within the individual sections under consideration at that time.

Q What was the policy, if any, as to the effect of make-up in determining whether to repay an employee, or not?

A The effect of the make-up was not given consideration unless it was one of the factors, as I have explained previously, in determining the production, the comparative production between operators within the section. In other

words, make-up had no bearing unless it was one of those factors.

* * * *

[782] Q (By Mr. Joy) Did you, after transferring an employee from one duty to another to replace somebody who had been laid off, did you at any time teach that transferred employee a new operation? How to perform an operation?

A It was necessary in many cases, to teach them that operation.

* * * *

[788] Q (By Mr. Sheinkman) ...

* * * *

Q How many people were let go in January 1958?

A Approximately 20.

Q And didn't you say there were approximately 90 as of January 1958?

A That's correct.

Q So that would leave approximately 70; is that correct?

A That is correct.

Q Which means that there are seven more employed now; is that correct?

A That is correct.

Q Were these people new people?

A No. Not in all cases. Some were new people.

Q So you hired some new people; is that right?

A Yes.

[789] Q And had these people had any experience working on coats; these new people that you hired?
A No.

* * * *

[815] ARTHUR SHARFF
a witness called by and on behalf of the Respondents, being first duly sworn, was examined and testified as follows:

* * * *

[846] CROSS EXAMINATION

* * * *

[851] MR. THOMPSON:
May I take this statement, Mr. Examiner? On this general subject? I think the facts are rather clear as to Morris Sharff's relationship here. Certainly I would be the last one to deny the facts which have been related are not true, even in the General Counsel's case with respect to the fact the man had an office out there, that he was around there all the time, that they were consulting with him, that he was there for that purpose. We have established that he was not an employee of this corporation. We have established he was not an officer or a director.

TRIAL EXAMINER:
Have you denied he was an agent? The question of what position he holds is not, in my view, particularly significant, but in view of your denial he is an agent of the company,

in connection with what he says and does, it seems to me that this is material testimony that we are talking about.

MR. THOMPSON:

We have denied he was an agent of this corporation; that is correct. I don't believe there is any evidence that he was an agent of this corporation. I am not aware of the fact that that's necessary in order to support [852] the Complaint. That's the position I am stating.

We have related the facts. We have made no contest, if the Examiner will recall, with these witnesses with respect to the activity of Morris Sharff at these plants. We haven't tried to deny it in any way.

TRIAL EXAMINER:

You are, of course, putting on your case now. The only thing I know is that your Answer denies that Morris Sharff is an agent of the union—of the company, rather

MR. THOMPSON:

I don't think there are any facts to support it. There have been no facts in the record to support that, either, as an agent of the company, On the other hand there are plenty of facts to show he acted in behalf of the corporation. He just simply was not an agent because he was not employed by them, he was not officially connected with them. Those are the facts, and there is no contest over them.

* * * *

[872] Q (By Mr. Sheinkman) . . .

* * * *

[873] A We ride back and forth to work every day.
Q Do you ride in a green Plymouth, 1956?
A Do I today ride in a green Plymouth?
Q Did you ever ride in a green Plymouth, 1956?
A Yes.
Q Who owned that car; you or Morris?
A Morris.

* * * *

[885] MYRTLE EWING
a witness called by and on behalf of Respondents, being first duly sworn, was examined and testified as follows:

* * * *

DIRECT EXAMINATION

[886] Q (By Mr. Thompson) Mrs. Ewing, what is your job at the Walton Manufacturing Company?
A Supervisor.
Q When did you become a supervisor there?
A Oh, it was about week, I think, after I was employed.
Q When were you employed?
A June 27, 1957.

* * * *

Q Did Grace McCart ever work in your unit?
A Yes.
Q Was she under your supervision?
A Yes.

• • • •

[887] Q Was she ever laid off or discharged?
A Yes.
Q Do you know about when she was discharged?
A In January.
Q Do you know the date of her discharge?
A It was about the 15th. I am not sure.
Q Did you discharge her?
A Yes.
Q What were the reasons for the discharge?
A Her work was not satisfactory.
Q In what way was her work not satisfactory?
A Well, her sewing wasn't up to par.
[888] Q Was there any particular reason for the timing of her discharge?
A No. It was just a culmination of a lot of bad work.

• • • •

[889] Q Do you know an employee, a former employee, by the name of Ida Harper?
A Yes.
Q Did she work in your unit?
A Yes.
Q Was she under your supervision?
A Yes.

• • • •

[891] Q You say Ida Harper was discharged?
A Yes.

TRIAL EXAMINER:
Not laid off.

THE WITNESS:
That's right.
Q (By Trial Examiner) What was she discharged for?
A Well, Ida was a bit immature. She could have been a good operator. But she just wouldn't settle down and go to work.
Q Had you been having trouble with her before?
A Oh, yes. Continuously.
Q Had you talked to her about it?
A Yes. Daily.
Q What made you select that particular day for discharging her? What did she do on that day that caused you to discharge her?
A It was a culmination of bad work.
Q Now you didn't tell me anything about the bad work. I thought you said she was immature.

• • • •

[893] Q Was there any other factor which entered into the discharge, or the lay-off, or whatever it was, of Ida Harper?
[894] A Other than what I have already mentioned?
Q Yes, ma'am.
A No.
Q Did you have an employe named Pauline McGee who was under your supervision?

A Yes.

Q What was her operation?

A She basted the bottom hem.

Q Was she ever terminated?

A Yes.

Q What were the circumstances of her termination?

A The cut-back in the work.

Q And when did this take place?

A The 31st of January.

Q What factors led up to her being terminated, as opposed to other people?

A Well, we took in seniority, production, quality—

Q With respect to seniority, who did you prefer to her? What employees, if any, did you retain because of their seniority?

A Charlotte Finley.

Q I am referring to Pauline McGee now.

A Yes.

Q Did Charlotte Finley figure in Pauline McGee's operation, as well as the other girl?

[895] A It was—Charlotte had done the job. In fact, when she would catch up on a job, she did spend part of her time on Pauline's job at that time, and she knew the job, and she filled in on it as well as Geneva Harris.

Q (By Trial Examiner) Now you are talking about Pauline McGee's work.

A Yes.

Q (By Mr. Thompson) Who is doing that work now?

A The operation has been eliminated completely.

Q About when was it eliminated.

A Oh, some few weeks after Pauline left.

Q Did you have an employee by the name of Nellie Wood working under your supervision?

A Yes.

* * * *

[896] Q What were the factors that you took into consideration in determining whether she should be the one to be terminated, as opposed to other people doing that type work?

A Again it is seniority, production and quality.

Q How did her seniority compare to the other two operators whom you refer to as the regular operators?

A They were both there longer than that.

TRIAL EXAMINER:

You mean Starrett and Bowen?

THE WITNESS:

Starrett and Bowen; yes, sir.

Q (By Mr. Thompson) How did Nellie Wood's quality of work compare to the quality of the work of the other two regular operators?

A Well, it wasn't as good.

* * * *

[897] (By Mr. Thompson) Mrs. Ewing, referring back to Ida Harper, do you recall whether she was a regular employee, in attendance, or was she on the other hand absent from work a good bit?

A She had a good deal of absenteeism.

Q Did that have anything to do with the decision which was reached regarding her lay-off?

A Naturally.

[906] CROSS EXAMINATION

Q (By Mr. Joy) . . .

* * * *

[908] Q He was not. Now you say you talked to Ida Harper daily about what?

A Bad work and cutting. Cutting up in general.

Q Who was she talking to?

A Anyone that would listen.

Q Who could she talk to? Do you mean during working hours?

A Yes.

Q Was she not at her machine?

A Well, the operators around her.

[909] Q And who were they?

A Pauline McGee was in front of her. And Charlotte Finley to her left.

Q Just what was said to her in these daily talks about her bad work?

A It wasn't so much bad work, it was just a lack of work.

* * * *

[912] Q (By Mr. Joy) Referring to Nellie Wood, you said that seniority, production and quality were considered

in comparing between her and Johnnie Starrett and Laverne Bowen. How do you base the judgment as to quality?

A Well, when Nellie first came to work she needed a job. Her quality was good. But she did become a little bit sloppy.

Q Was she experienced on both the other two operations?

A Well, she had been on them the four months she was there.

Q She was performing both operations regularly; is that correct?

A Yes.

* * * *

[924] Q (By Mr. Sheinkman)

* * * *

[925] Q Did Nellie Wood perform more than one operation before she was let go?

A Yes.

Q Did Johnnie Starrett perform more than one operation?

A No.

Q So that Nellie Wood was more versatile than Johnnie Starrett.

A She was hired to do two jobs.

* * * *

[979] ODELLE BARNES

a witness called by and on behalf of the Respondents, being first duly sworn, was examined and testified as follows:

* * * *

DIRECT EXAMINATION

Q (By Mr. Thompson)

* * * *

[980] Q Did you ever know Lucille Yancey?

A Yes; I did.

[981] Q Did Lucille Yancey ever work at the Walton Manufacturing Company?

A Yes, sir.

* * * *

[988] Q Did you ever overhear Grace Higgins, the supervisor, talking to Lucille about her work?

A No, sir.

* * * *

[1012] GRACE HIGGINS

a witness called by and on behalf of Respondents, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER:

Give your name and address to the reporter.

THE WITNESS:

My name is Grace Higgins. I live at Loganville, Georgia, Route 1.

DIRECT EXAMINATION

Q (By Mr. Thompson) Mrs. Higgins, I am going to ask you to speak loud and clear and slow, so all of us can hear what you have to say?

Are you employed by the Walton Manufacturing Company?

A Yes.

Q What is your job there?

A Supervisor.

* * * *

[1013] Q Have you ever had an employee by the name of Lucille Yancey?

A Yes.

Q Under your supervision?

A Yes.

Q Approximately when did she first come under your supervision?

A In July of '57.

Q And is she still under your supervision?

A No.

Q Is she still employed by the company?

A No.

[1014] Q When did she leave?

A She left the first part of December '57.

* * * *

Q (By Mr. Thompson) What were the factors which led to Mrs. Yancey's discharge?

TRIAL EXAMINER:

Are you referring to conversations she [1015] had?

MR. THOMPSON:

No, sir.

A Well, she did very bad work. She was uncooperative and very unruly.

* * * *

[1024] Q (By Mr. Thompson) Mrs. Higgins, did you ever have an employee named Pearl Coker under your supervision?

A Yes.

Q What job did Pearl Coker do?

A She set the collar on the garment.

Q What does that involve? What do you do, to set a collar?

A Put the collar—sew the collar onto the coat.

Q Are you familiar with Pearl Coker's production?

A Yes.

Q Did she, during the period she was under your supervision, regularly make her production?

A She was under make-up.

* * * *

[1025] Q Was there anyone else under your supervision who was doing the same work that Pearl Coker was doing, at the same time that Pearl Coker was doing it?

A Yes.

Q Who was that?

A Hester Lou McCart, Mary Lou Partain.

Q (By Trial Examiner) They were both setting collars, too?

A Yes.

Q (By Mr. Thompson) Did Hester Lou McCart make her production?

A Yes.

Q Did Mary Lou Partain regularly make her production?

A No.

Q She did not?

A She did not.

* * * *

Q Was Pearl Coker ever terminated from the Walton Manufac- [1026] turing Company?

A Yes.

Q Do you know who notified her that she was being terminated?

A Mr. "Murph".

Q What were the factors that entered into her termination?

A Well, most—Mr. "Murph" and I had discussed the section was a little bit too strong, there; who we was to lay off, and Pearl Coker was the lowest in production.

Q Were there any other factors which entered into the decision to lay off?

A She did poor work.
Q What do you mean by poor work?
A It wasn't satisfactory, at times.

* * * *

[1027] Q (By Mr. Thompson) And after Pearl Coker was laid off, who [1028] performed the work that she had previously done?
A Mary Lou Partain.
Q And is Mary Lou Partain still performing that work?
A No.
Q Who is performing it now?
A Pearl Coker and Louise Sammons.
Q When did Pearl Coker come back to work?
A The first part of October of this year.
Q And who performed the work between the time Pearl was laid off and the time that she came back to work?
A Hester Lou McCart, Mary Lou Partain, and Louise Sammons.
Q Now did those girls do any other work in addition to the work that Pearl had done?
A Yes.

* * * *

[1029] Q Mrs. Higgins, did you ever have an employee by the name of Frances Elizabeth Johnson employed under you?
A Yes.
Q What job did Frances Elizabeth Johnson do?
A She set the facing to the lining.

Q Is she the Frances Elizabeth Johnson who took Lucille Yancey's place?

A Yes.

Q (By Trial Examiner) Is that the same type of work that Lucille Yancey did?

A Yes.

Q (By Mr. Thompson) How does the work that Frances Elizabeth Johnson do, differ from the work that Lucille Yancey did; if it does differ?

A It didn't differ. It was the same.

* * * *

[1032] Q (By Mr. Thompson) Now at the time Frances Elizabeth Johnson was laid off, and from that time on, who did the work [1033] that she was doing at the time of her lay-off?

A Imogene Meeks and Odelle Barnes are doing that work now. They are still doing it.

Q Has anyone else done that work since the time Frances Elizabeth Johnson was laid off?

A Yes. Occasionally we would get behind, and maybe we would have someone to help maybe a half a day.

* * * *

Q Do you know the factors which concerned Frances Elizabeth Johnson and led to her lay-off?

A A cut-back in production.

TRIAL EXAMINER:

The question is do you know the factors?

THE WITNESS:
Yes.

TRIAL EXAMINER:
Just answer the question you are asked, [1034] Mrs. Higgins.

Q (By Mr. Thompson) What are those factors?

A She was slow in production, and poor quality; quantity.

• • • •

Q Did you ever have an employee under your supervision by the name of Evelyn Hudson?

A Yes.

Q What job did Evelyn Hudson do?

A She did the tacking of the sleeves.

Q Will you explain what that operation is?

[1035] A Yes. It's tacking the sleeve lining to the coat on this seam, and on this seam—

Q The outside seam, to hold the lining in place.

A Yes.

Q Was there anyone else who was doing this work at the same time Evelyn Hudson was doing it?

A No.

Q Now was Evelyn Hudson ever laid off or discharged?

A Yes.

Q When did that take place?

A In January.

Q Do you know what part of January?

A The latter part of January.

• • • •

[1036] Q Do you want to ask your question now? What were the factors that made you decide to lay off Evelyn Hudson, rather than some other girl?

A Because that the two girls that did the work before Evelyn, took up the same operation that Evelyn did, which they are still doing today.

Q What two girls are those?

A Grace Barnes and Bonnie Thompson.

Q (By Mr. Thompson) Now at the time Grace Barnes and Bonnie Thompson took over the work that Evelyn Hudson had been doing prior to her lay-off, who took over the work that Grace Barnes and Bonnie Thompson had been doing?

A No one.

Q Who did that work then?

A They did it themselves.

Q Who is doing that work now?

A Grace Barnes and Bonnie Thompson.

[1037] Q Has anyone else done that work since the time Evelyn Hudson was laid off, other than those two people?

A No.

Q Did Evelyn Hudson perform any other operation while she was under your supervision?

A Yes.

Q What else did she do?

A She helped in the making of the sleeves, when she would catch up on her job.

Q And who was regularly performing the operation that she helped in?

A Regina Hall.

TRIAL EXAMINER:

What's that? Making of the sleeves?

THE WITNESS:

Making of the sleeves,—sleeve linings. And also Mary Barnes was making sleeves.

Q (By Trial Examiner) Do I understand you correctly that in addition to tacking sleeves, Evelyn Hudson, while she was working in your plant, also helped make sleeves and sleeve linings?

A Yes.

Q And that in addition to Evelyn Hudson doing that work, it was done by some other girls?

A Yes.

Q Who were the other girls?

A Mary Barnes and Regina Hall.

[1038] TRIAL EXAMINER:

You may continue.

Q (By Mr. Thompson) Are you familiar with whether or not Evelyn Hudson made production during the time she worked under your supervision?

A She did.

Q She did make production?

A Yes.

* * * *

[1040] Q Mrs. Higgins, do you recall whether or not Evelyn Hudson ever came back to work under your supervision?

A She did.

Q Do you recall when she came back to work?

A She came back the later part of June or first of July of [1041] this year.

Q That's 1958.

A Yes.

Q And what operation was she put on when she came back to work?

A Making the sleeve and sleeve lining.

Q Is that any different than the operation she was doing before she left?

A That was the same operation that she was helping to do when she left.

* * * *

[1046] CROSS-EXAMINATION

Q (By Mr. Joy)

* * * *

Q You stated that Lucille Yancey did very bad work, and that work was returned by others, and you found some yourself. Isn't it a fact that that was a very small percentage of the total amount of her production that was found bad?

A Her work had to be corrected before it left the section.

Q Now to get back to the question: Isn't it a fact that the work that had to be—that was found defective, which you just volunteered had to be corrected, isn't it a fact that the amount of that work was very small, compared to the total production?

A No.

Q What percentage of it—of the work was bad?

A Nearly all of it.

Q Nearly all of her work was bad and had to be done over again?

A Yes.

Q Who did it over again?

A She did; herself.

Q I understood you to say that the operation which followed Lucille's was done by the pocket setters; is that correct?

[1047] A Yes.

Q If she had to do all of her work over again, what did they do to kill time?

A I didn't say that she did all of it.

Q You said all of it was bad, and she had to do it over.

A No. I said nearly.

Q Well, nearly all of it. What did the pocket setters do to occupy their time?

A They just had to wait for it to be repaired.

Q You mean that for a period of some six months you allowed the pocket setters to sit there practically all day with no work to do because somebody was doing bad work?

A No.

Q What period of time would that cover?

A It didn't take very long to repair the work.

Q Didn't it take as long to repair it as it did to do it originally?

A Yes.

* * * *

[1050] Q Now, again, I ask is it not true that she made production without make-up as many times or as many weeks, or more weeks, than she did not make production?

A I don't know for sure.

Q And isn't it a fact, also, that in most of the weeks when she had make-up, that the amount was very small?

A Yes.

Q (By Trial Examiner) In view of that fact do you say that one of the reasons that Lucille Yancey was discharged was because she couldn't make her production?

A She did very bad work; was the main reason she left.

* * * *

[1057] Q In considering factors to lay off, or discharge a worker, did you consider whether an operator could do more than one operation?

[1058] A Yes.

* * * *

Q In the case of Evelyn Hudson, did she not perform more than one operation?

A Yes.

* * * *

[1070] RECROSS EXAMINATION

Q (By Mr. Sheinkman) ...

* * * *

[1071] Q Now did anything special happen on the day, or the day before Lucille Yancey was fired, with regard to the work of Lucille Yancey? Was her work on that day any better or any worse than it had been right along?

A It was about the same.

Q Did anything of any unusual nature occur that day, or the day before, or that week?

A I don't recall anything.

* * * *

[1072] Q And did you ask Mr. "Murph" to discharge her?

A I didn't, the day that he did.

[1073] Q Did you ask him to discharge her three weeks before that?

A I didn't ask him to discharge her, but I talked to him about the way she was and I had gone about as far as I could go with her.

Q Did you ask him at any time to discharge her?

A No.

Q Do you have any knowledge as to why he discharged the girl on the particular day that he did?

A No; I don't.

* * * *

[1075] JERRY CARTER

a witness called by and on behalf of the Respondents, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER:

State your name and address to the reporter.

THE WITNESS:

Jerry Carter, Loganville, Georgia.

DIRECT EXAMINATION

Q (By Mr. Thompson) Mr. Carter, are you employed by the Walton Manufacturing Company?

A Yes, sir.

Q What is your job?

[1076] A Supervisor.

* * * *

Q Mr. Carter, in the course of your employment at Walton Manufacturing Company, have you ever had an employee under your supervision by the name of Bonnie Hamilton?

A Yes; I have.

* * * *

[1077] Q Mr. Carter, at the time Bonnie Hamilton was performing this operation, was anybody else performing it?

A Yes, sir.

Q Who was the other person?

A Lucille Yancey.

Q Now is that the Lucille Yancey who was discharged or laid off?

A No, sir.

Q Or is it the Lucille Yancey who has worked there continuously?

A That's correct. Lucille Yancey is working now.

Q Is this Lucille Yancey you are referring to—has she ever been laid off or discharged; so far as you know?

A No, sir.

Q Was Bonnie Hamilton ever terminated, laid off, discharged?

[1078] A Yes, sir.

Q Do you know when that took place?

A It was the 31st of January.

* * * *

Q Do you know what the factors were that were taken into consideration in arriving at the decision to lay off this lady?

A Yes, sir.

Q What were those factors?

A We just didn't have enough work for both the girls to do.

Q Who are the "both the girls" you are referring to?

A Lucille Yancey and Bonnie Hamilton. And we had to cut down on our personnel.

Q What are the factors, if any, which led you to the decision to lay off Bonnie Hamilton and retain Lucille Yancey?

A Well, we felt that Lucille's quality was a little better.

Q Were there any other factors involved?

A No.

* * * *

[1079] Q During the course of your employment, has a person by the name of Violet Ewing ever been employed under your supervision?

A Yes, sir.

* * * *

[1080] Q Was Violet Ewing ever laid off or discharged?

A Yes, sir.

Q Which was it?

A She was laid off.

Q Do you know when she was laid off?

A 31st of January.

* * * *

[1081] Q Now were there any factors which were taken into consideration in determining whether Violet Ewing or Margaret Britt would be retained?

A Yes, sir.

Q What were those factors?

A The factors were that we felt making the flaps was a more intricate operation, and it would take longer to train a girl for that job than it would be training them on welts. So we had Margaret make all the welts. She took over her work.

* * * *

[1082] Q Have you ever had an employee by the name of Nellie Hood under your supervision?

[1083] A Yes, sir; I did.

Q What job did Nellie Hood do?

A She did floor work.

* * * *

Q Was Nellie Hood ever discharged or laid off while she was under your supervision?

A Yes, sir.

Q Which was it; lay-off or discharge?

A Laid off.

Q When was she laid off?

A 31st of January.

Q What year?

[1084] A '58.

Q Are you familiar with the factors which were taken

into consideration in determining whether she should be laid off, or not?

A Yes, sir; I am.

Q What are those factors?

A We just had to cut down on our personnel, to handle the amount of work we had to do.

Q What are the factors that led to the decision that Nellie Hood should be laid off in preference to some other person that might have been under your supervision?

A Well, it just wasn't any more work for her—I had the work myself that she had been doing. There wasn't enough work for her.

* * * *

[1096] Q (By Mr. Thompson) Do you recall ever having a conversation with Nellie Hood concerning the union?

A No, sir; not a conversation.

Q Did you ever speak the word union to Nellie Hood?

A I recall asking her what she knew about the union.

Q What did she say?

* * * *

[1097] Q Did you ever say anything else to her about that, with reference to that conversation?

A No; not that I—I believe I remember after having seen her name on the bulletin board, I remember going up to her and telling her that she told me a story.

* * * *

[1098] CROSS EXAMINATION

Q (By Mr. Joy) . . .

* * * *

[1099] Q Was Violet Ewing making production before she was laid off?

A As well as I can remember, she was making around—she may have had some make-up. I just don't remember. I am not too familiar with the make-up on them.

Q I didn't catch that last.

A I said I am not too familiar with the make-up on them.

Q Do you know which one had the most make-up?

A I believe that Margaret had the most make-up. Now I am saying I am not too familiar with the make-up.

* * * *

[1103] Q In other words—and how about Nellie Hood? Did you first mention her to be laid off, or did Mr. "Murph" suggest it?

A I think it was Mr. "Murph," because Nellie was a little—because she was doing work—it was just floor work that she did, and I think it was "Murph" suggested it.

* * * *

[1109] EDNA ATHA

a witness called by and on behalf of the Respondents, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER:

Give your name and address to the reporter.

THE WITNESS:

Edna Atha, Route 3, Loganville, Georgia.

DIRECT EXAMINATION

Q (By Mr. Thompson) Mrs. Atha, were you ever employed by the Loganville Pants Company?

A Yes.

* * * *

[1110] Q (By Mr. Thompson) What job did you perform while you were so employed?

A Supervisor.

* * * *

[1114] Q Mrs. Atha, do you recall an employee by the name of Ruth Brooks?

A Yes.

Q What did Ruth Brooks do at the Loganville Pants Company?

A Well, she cut back pockets some, and she made welts on back pockets.

Q Do you know whether or not Ruth Brooks was ever discharged or laid off from the Loganville Pants Company?

[1115] A Yes.

Q Who actually discharged her, or laid her off?

A Mr. Hughley.

Q Which was it; was she discharged or laid off?

A Well, Mr. Hughley replied to me that he would have to let Ruth Brooks go. So I don't know if she was discharged or laid off. I don't know.

Q Were you present at the time she was discharged?

A No.

Q Do you recall ever asking Ruth Brooks if the union people had been to see her?

A Yes.

Q What was her reply?

A She said, "Yes. I suppose they have been around to see everybody around here."

Q Was there anything else said about it?

A No.

Q Did you ever ask Nancy Williams whether the union people had been to see her?

A Yes.

Q What was her reply?

A "Yes."

Q Anything else said between you?

A No.

Q Now did you ask anybody else at the plant that same ques- [1116] tion?

A Well, I probably asked a few girls.

* * * *

[1119] Q Now was Lela Beaver one of the people who went to Walton Manufacturing Company, or was she one of the people who was not kept?

A She was one of the people not kept.

Q Do you know the factors which were taken into consideration in deciding that Lela Beaver would not be kept?

A Well, we had to give a girl—let a girl do a couple of operations, and the reason we didn't keep Lela Beaver, we had to give her the job—the girl we replaced her with had to set flys and tack belt loops. She had two jobs.

* * * *

[1120] Q Do you recall ever asking Pauline Spratlin why anyone was [interested in the union] at the Loganville plant?

A Yes.

Q What were the circumstances that caused you to ask her that?

A Well, a girl from the other shop came—

Q Who was the other girl?

A Nellie Wood.

Q Did you know Nellie Wood at the time?

A Yes.

Q Tell us what happened.

A She came up and was talking to the girls, talking to some of the girls, and was—she was talking to Pauline, and I [1121] asked Pauline what Nellie Wood wanted.

Q What did Pauline say?

A She said, "She wants me to sign a union card."

* * * *

CROSS-EXAMINATION

Q (By Mr. Joy)

* * * *

[1124] Q Now after Ruth Brooks was terminated, was there anyone hired to take her place?

A Yes.

Q Who was that?

A Virginia Moon.

* * * *

[1126] Q (By Mr. Joy) Was Ruth Brooks able to perform all four of those operations?

[1127] A I beg your pardon.

Q Was Ruth Brooks able to perform all four of those operations?

A Was she able to perform all those operations?

Q Yes. Was she qualified to do all those four different pocket operations?

A Yes.

* * * *

[1145] I. S. PROSTERMAN

recalled as a witness on behalf of the Respondents, having been previously duly sworn, was examined and testified further as follows:

* * * *

[1146] DIRECT EXAMINATION

* * * *

[1147] Q (By Mr. Thompson) Mr. Prosterman, do you recall the date that this Lucille Yancey was terminated from her employment at Walton?

A It was early December. I don't know exactly.

Q What year?

A 1957.

Q Who notified her of her termination?

A I did.

Q Was she laid off or discharged, or otherwise, at that time?

A She was discharged.

Q What were the factors which led to her discharge?

A The main factor leading to her discharge was the fact that [1148] she was unable to produce work of an acceptable quality.

Q Exactly what do you mean by her being unable to produce work of an acceptable quality?

* * * *

[1149] Q What was the reason for her being discharged, at the time she was discharged? Was there any particular thing that came about on that day she was discharged?

A Nothing any other than what I have told you. The culmination of these factors to that particular point.

* * * *

[1154] Q (By Mr. Thompson) The question is, in reaching your determination on these lay-offs, your decision as to who would be laid off, I want you to tell us what part make-up played in the decision. In other words, where did the make-up figure in?

A Well, in my last explanation I attempted to put this on the basis of quantity of production, rather than amount of make-up. They are synonymous; one and the same; one being the result of the other. Make-up, as such, is a barometer to the production-ability of an operator; played a part, became a factor, when—in a choice between one operator and another, or between one operator and a group of others, on an identical operation; or where the skill was very similar, one operator showed up with less make-up than the

other. And that is the only time make-up was an important factor in arriving at [1155] my decision.

* * * *

[1178] Q (By Mr. Thompson) Mr. Prosterman, do you recall an employee by the name of Grace McCart?

A Yes, sir; I do.

Q Was Grace McCart terminated, her employment, at any time?

A That's right. January 10th.

Q (By Trial Examiner) Was she terminated, or discharged?

A Grace McCart was fired.

Q (By Mr. Thompson) What were the factors which led to her discharge?

A Grace McCart had had a history of continual bad quality, and a large amount of repairs were required, and approximately January 10th we decided that rather than accept this bad work, that is, a continuation of it, we determined to discharge her and try somebody else on her job.

* * * *

[1186] Q Do you recall an employee by the name of Pauline McGee?

A Yes, sir.

Q What did Pauline McGee do?

A She did the operation known as basteing the bottom hem.

Q Who else, if anybody, did that same operation while Pauline McGee was doing it?

A No one.

Q Was Pauline McGee ever laid off or discharged?

A She was laid off on January 31st.

Q And what were the factors which were taken into consideration and led to her lay-off?

A Charlotte Finley did a similar operation, using the same machine, and applying similar skill. Charlotte Finley had also done Pauline McGee's work. In determining which operator I believed to be the most competent, able to carry on both operations, I found that Charlotte Finley had progressed more rapidly than Pauline McGee. I therefore, since similar skills were employed, and one operator was able to take care of the job, I chose Charlotte Finley over Pauline McGee.

* * * *

[1187] Q Who did the work of Pauline McGee after she was laid off?

A Charlotte Finley.

Q And has anyone been employed to perform the operation which Pauline McGee did since her lay-off?

A No one was employed.

Q Has anyone else performed this operation other than Charlotte Finley?

A Yes.

Q Who?

A Geneva Harris.

Q What were the circumstances there?

A At the outset, when Pauline McGee was laid off, a certain amount of training was required to bring Charlotte Finley up to production. At that particular time she got behind on her job and Geneva Harris, who also had helped

out on this particular operation, bottom hem basteing, assisted for a short while.

* * * *

[1189] Q (By Mr. Thompson) Did you take into consideration, in arriving at the decision to lay off Pauline McGee, the operation of any of the other jobs other than the one that you have mentioned here?

A No, sir.

* * * *

[1190] Q (By Mr. Thompson) Was Violet Ewing ever laid off or discharged?

A She was laid off.

Q What date?

A On January 31st.

Q Now I will go back to my question. What are the factors which led to the decision to lay off Violet Ewing?

A The main consideration here was given to the quality work [1191] required for the making of flaps, which was Margaret Britt's work. This is an operation which requires a higher degree of skill, much greater degree of skill, than the making of the welts.

* * * *

[1198] Q What became of the sewing of the pocket facings?

A This job was turned over to an operator—to another [1199] operator. Madeline—

Q (By Trial Examiner) Which?

A The lower pocket facing.

Q (By Mr. Thompson) Sewing of lower pocket facings. What became of it? It was turned over to who?

A Madeline — I can't remember her last name.

Q Do you remember Madeline's last name?

A No, sir; I can't. I am sorry.

Q What was Madeline doing prior to the time of the lay-off?

A Madeline was working in the collar section. Various operations. Small operations. A variety of small operations.

• • • •

[1201] Q Mr. Prosterman, in arriving at your decision to lay off Violet Ewing, did you take into consideration the operations of any other employees other than Violet Ewing and Margaret Britt?

[1202] A No, sir.

• • • •

[1205] Q Was Ida Harper ever laid off or discharged?

A She was laid off on January 31st.

Q What were the factors which were taken into consideration and led to her lay-off?

A On this particular type of an operation, there was not [1206] sufficient work at that time to employ two operators. The other operation, which was similar to this, done on a similar machine, was known as bottom felling.

Q And who was doing that?

A Geneva Harris. In determining which operator should be retained and which one laid off, I found that because of the fact that Geneva Harris was a better operator, more

reliable, I felt that she would be more valuable to the company than Ida Harper.

* * * *

Q (By Mr. Thompson) What did Ida Harper do that led you to this conclusion?

A Ida Harper was a person who I personally would term immature, —

Q What do you mean by that?

A (Continuing) — and would not tend to her job properly, like an operator should. She wouldn't stay on the job. She would [1207] laugh and talk and cause a disturbance in the factory. And —

Q This laughing and talking, did it take place during lunch hours, and working hours, or both —

A No. I am speaking of during working hours.

Q Go ahead, sir.

A And she also had a bad make-up record. She would not take kindly to any requests from the supervisor for increasing her production —

Q (By Trial Examiner) What do you mean by didn't take kindly to it? I didn't understand that term. I have heard a lot of it but I still haven't had anyone explain it to me.

A Well, her supervisor would ask her to try to do better, so far as production was concerned, and we got no results.

Q Is that what you mean by didn't take kindly to it?

A Sir, I will be quite frank with you. I cannot explain it, exactly.

Q Is this the explanation you are making of that term?

A I cannot explain it any differently.

Q After being cautioned about not making enough production, she didn't make any more production?

A Well, as I said before, Ida Harper displayed an immature attitude.

Q Was she fresh to the supervisor when she was criticized?

A No, but she made light of the situation. Now not being present there, I cannot tell you exactly, but as it was reported [1208] to me, very, very often, and by many discussions that were had.

Q (By Mr. Thompson) Who reported this to you?

A Mrs. Ewing; Myrtle Ewing.

Q Was she the supervisor involved?

A That's right.

* * * *

[1215] Q Now at the time of the lay-off, what became of the work that wa sbeing done by Frances Elizabeth Johnson?

A We combined that work with the work of the pocket makers.

Q That would be who?

A Imogene Meeks and Odelle Barnes.

Q Was anybody else in that section laid off in addition to [1216] Frances Elizabeth Johnson?

A That particular section, no.

Q What were the factors which led to your decision to lay off Frances Elizabeth Johnson?

A Well, it was necessary for me to leave myself with the best operators, and pick the least competent operator for the lay-off, and Elizabeth Johnson was the least competent of all the operators in that section.

Q What do you mean when you say that she was the least competent?

A Well, she was the least able to produce quality work.

Q (By Trial Examiner) Do you mean that the work she performed was not the proper quality?

A Well it was —

Q Or that you did not give her more difficult work to perform?

A No; we did not give her more difficult work to perform, because this was work that we had put her on, and she was actually training on this job, but by the observation of her sewing, it was easily seen that she could not perform any of the other jobs as well as any of the operators could perform her job.

Q (By Mr. Thompson) Were there any other factors which entered into the lay-off of Frances Elizabeth Johnson?

A No.

* * * *

[1222] Q Was Evelyn Hudson ever laid off or discharged?

A She was laid off on January 31st.

Q And what were the factors which led to the decision to [1223] lay her off?

A It was necessary to reduce my force in that section, sleeve section. I felt that Evelyn Hudson's operation was the most mechanical operation in that section, and could be more easily absorbed by the remaining operators, than any other operation within that section.

I felt, also, that the other operators within that section

could absorb her operation more easily than she could absorb their operation.

Therefore, with the — and keeping in view the fact that I had to keep my re-training costs to a minimum. That led to the decision to lay off Evelyn Hudson.

Q Now after Evelyn Hudson was laid off, who did the work that she had done, prior to the time she was laid off?

A That was divided — originally was divided between two operators; Bonnie Thompson and Grace Barnes.

Q What part of it did Bonnie Thompson do?

A The same work that Evelyn Hudson had done.

* * * *

[1227] A Had Evelyn ever made sleeves before? At the time of rehiring?

Q No; at the time she was laid off.

A To my knowledge the only job Evelyn Hudson ever had done was the sleeve lining tacking. That job.

Q Was her work satisfactory?

A Her work was satisfactory; yes, sir.

* * * *

[1265] CROSS EXAMINATION

* * * *

[1274] Q (By Mr. Sheinkman) ...

* * * *

[1275] Q When did you contemplate cutting back your production?

A We contemplated it during the month of December.

Q When did you contemplate reducing from 400 to 300 per day production?

A That was at that time. That's what we were talking about.

Q Was it usual for you to prepare for a lay-off two months in advance?

A Well, I had never been faced with this thing, so I can't tell you what's usual.

* * * *

[1280] Q What date was that?

A Approximately the 13th, 14th, 15th of January.

Q Were you told how many employees to lay off?

A I was not told how many employees to lay off.

Q Were you ever told how many employees to lay off?

A No, sir.

Q Nobody ever told you how many to lay off.

A No, sir.

Q You decided the number that would be laid off?

A That's right.

Q Now did you testify on direct examination that Mary Lou Partain was a utility operator prior to January 31, 1958?

A Yes, sir; I did.

Q Did you consider her a good worker, a poor worker, or an average worker?

A Poor, from one standpoint. Good, from another.

Q What was she poor for?

A Poor production on most operations. She was a slow operator, but she was a very clean and neat operator.

Q Did you let Mary Lou Partain go?

A No.

Q I show you General Counsel's Exhibit 19 which says — I ask [1281] you to read it, about the name of Mary Lou Partain. I ask you, after reading that, why you let her go.

A I changed my mind.

Q After consulting with Morris.

A Well, this particular list wasn't binding on Morris. Morris's discussions with me weren't binding on me.

MR. SHEINKMAN:

Mr. Examiner, I would like you to request the witness to answer the question.

TRIAL EXAMINER:

He is answering the question.

Q (By Mr. Sheinkman) Did you not state on General Counsel's Exhibit 19 that Mary Lou Partain, and I quote, "Must be replaced"?

A I stated that.

Q And yet you did not replace her; is that right?

A That's right.

TRIAL EXAMINER:

I have a question.

Q (By Trial Examiner) Mr. Prosterman, how long had you been having trouble with Grace McCart?

A From the first day I came to the plant.

Q When you were preparing this list of people to be laid off because of the cut-back, how come you didn't put Grace McCart's name on the list?

A Well, Grace McCart works on the Lewis felling machine. I had nobody available in the factory trained on this

operation. Lewis felling machine operators are not easily trained.

* * * *

[1284] Q (By Mr. Sheinkman) Did you lay off or discharge Frances Johnson?

A Frances Johnson was laid off.

Q At the time she was laid off, prior to the time she was laid off, did you have any complaints about her from her supervisors?

A Not too many.

Q Did you have many?

A Not many; no.

Q Did you have some?

A Some.

Q Did you speak to her about the quality of her work?

A Did I speak to her — to whom; the supervisor?

Q Frances Johnson.

[1285] A I believe I did.

Q You told her about the quality of the work?

A Yes.

Q You told her if she didn't improve she would be laid off?

A No, sir; I did not.

Q What did you tell her?

A I complimented her. I told her she was progressing nicely.

Q When did you do this?

A I don't remember, exactly.

Q Was it in December or January?

A I don't remember exactly. But I know at times I would go by her machine and encourage her.

Q Did you consider her a good or a poor operator?
A I considered her a poor operator.
Q You encouraged her because she was progressing.
A Yes, sir.
Q In fact she got some increases, didn't she?
A She got an increase when she went onto a new job.
Q Five cents an hour.
A Five cents an hour.
Q She started at a dollar an hour, didn't she?
A I believe that's right. I wasn't here when she started.
Q When she was laid off she was receiving a $1.15.
A I think that's right.
[1286] Q Did you ever tell Pearl Coker that her work was unsatisfactory?
A I, personally?
Q Yes, sir.
A Pertaining to quality, sir?

TRIAL EXAMINER:
Did you ever tell her her work was unsatisfactory in any respect?

THE WITNESS:
I do not remember telling her that her work was unsatisfactory, pertaining to quality. I do remember telling her as to production.

TRIAL EXAMINER:
Nobody asked you anything about quality. Don't fence with Mr. Sheinkman.

THE WITNESS.
I don't mean to fence, sir.

TRIAL EXAMINER:

Just answer his questions. He asked you if you ever told Pearl Coker — repeat the question.

THE WITNESS:

Did I talk to her about her work.

TRIAL EXAMINER:

Yes.

MR. SHEINKMAN:

Yes.

A Yes, sir.

Q (By Mr. Sheinkman) Was she laid off because her work was insufficient?

A Insufficient production.

* * * *

[1289] Q I believe you stated on direct examination by the General Counsel, it was close as to whether Pauline McGee would be laid off or would not be laid off; is that correct?

A That's right.

Q Did you have any complaints about her work?

A No.

Q Did you ever speak to her about her work?

A Oh, yes.

Q Compliment her, or reprimand her?

A Just merely I encouraged her.

Q Is it not a fact that Violet Ewing was re-hired as a [1290] utility operator?

A Yes; re-hired as a utility operator.

Q And in order to be a utility operator it requires more skill than to just be an ordinary operator.

A It depends on the status of utility operator. In this particular case, if you want that clarified I will do so.

Q Well, let me ask you just generally. Does a utility operator have to perform more than one operation?

A Yes; a utility operator must perform more than one operation.

Q Is a utility operator more versatile?

A That's why we make them utility operators, usually.

Q Wasn't versatility a factor which you considered before you laid off the employees on January 31, 1958?

A Yes it was, in some cases.

Q And yet when you re-hired Violet Ewing, you put her right to work as a utility operator; is that right?

A We put her to work on the utility operator; yes.

* * * *

[1291] Q When you decided to lay off the employees on January 31, 1958 you considered different factors in each case; is that right? You used no standard factor; is that right?

[1292] A That is true.

Q In other words, in some cases you would consider production a factor?

A In some cases I would consider production a factor.

Q In some cases you would consider versatility a factor?

A Yes.

Q Did you ever consider versatility as a factor in comparing a girl to be laid off with other operators in the whole plant?

A No.

Q When you hired a replacement, which you stated was hired from the existing work force, did you consider versatility throughout the plant as a factor before hiring a girl for that new — for that replaced job?

A Well, let me answer it this way: In all cases when I required a girl on the job, I considered the people within the plant first. I don't —

Q On a plant-wide basis, or on a section basis?

A I considered this on a plant-wide basis.

Q And yet in the case of lay-offs you considered it on a section basis.

A Well, —

Q Now just answer my question.

TRIAL EXAMINER:

Answer his question.

Q (By Mr. Sheinkman) Answer Yes or No.

[1293] A Yes.

Q Isn't it a fact, Mr. Prosterman, based on your experience for years, when it comes to sewing, it is easier to train somebody for a new job who has had experience working in a clothing factory, rather than hiring a new employee?

A Not necessarily.

Q But yet you considered this factor in attempting to retrain old girls for replaced jobs; is that right?

A Yes.

Q Now in hiring new employees subsequent to January 31, 1958, did you call in any of the girls that had been laid off on that date, to try out for any new selling job?

A I believe I re-hired a few.

Q Approximately do you remember re-hiring?

A I would like to ask you a question. Are you referring

now to those girls laid off on January 31st? Did I understand your question correctly?

Q Yes. I am referring to the girls laid off on January 31st.

THE WITNESS:

Mr. Examiner, my memory fails me. If I would be allowed to—

Q (By Mr. Sheinkman) Was Pearl Coker re-hired?

A Pearl Coker; yes.

Q Was Violet Ewing re-hired?

A Yes.

[1294] Q Was Pauline McGee re-nired?

A No.

Q Why wasn't she re-hired?

A I didn't feel that her skills were applicable to any of the jobs that I had.

Q Isn't it a fact that all the new employees you hired had never worked in clothing factories before?

A Yes.

Q Never made coats before.

A That is correct.

Q And yet Pauline McGee had worked on coats before; hadn't she?

A Yes; she had.

Q And yet you felt that the new employee's skill could better be applied than Pauline McGee's; is that right?

A Yes.

Q How about Bonnie Hamilton? Did you recall her?

A No; I didn't.

Q And yet she was laid off, is that right?

A That's right.

Q And yet you called and hired new employees; is that right?

A That is right.

TRIAL EXAMINER:

Don't let's get that same question with respect to each name. We have already in the record he re-hired — he hired new employees who never worked in the coat [1295] factory, and he don't have to repeat it after each name you discuss with him.

Q (By Mr. Sheinkman) With respect to Pauline McGee, then, didn't you testify it wasn't the quality of her work that caused her lay-off?

A That is correct.

Q She was a good worker?

A She was a good worker.

Q And yet you didn't recall her and give her another opportunity; is that right?

A That is right.

Q You had never seen any of the other girls whom you hired subsequent to January 31, 1958 work in a clothing plant before, had you?

A That's right.

Q And you followed this same procedure with respect to the other girls relative to Pearl Coker and Violet Ewing; is that right? You never did recall those other girls who were laid off.

A That's right.

Q Am I to understand correctly that Pearl Coker, before her discharge, performed unsatisfactory work?

A Before —

Q Before her discharge, did she not perform unsatisfactory work?

[1296] A How long before her discharge?

MR. SHEINKMAN:

Your Honor, I submit the witness is fencing with me at this time.

TRIAL EXAMINER:

Answer the question the best way you know how.

THE WITNESS:

Sorry.

A Will you please repeat the question?

TRIAL EXAMINER:

Before her discharge, did Pearl Coker do unsatisfactory work? If you want to qualify your answer, you may qualify your answer.

THE WITNESS:

Yes; I would like to qualify my answer.

A Immediately before her discharge she was not doing unsatisfactory work. However, previous to that particular time, I would say about two months before, her work was not very good.

Q (By Mr. Sheinkman) Her work was not very good.

A Not very good. Her quality had improved.

Q Did I understand her quality improved before her discharge?

A That's right.

Q And yet you discharged her?

A That's right.
Q You didn't lay her off.
A That's right.
Q You had no intention of recalling her.
A That's correct.

* * * *

[1297] Q Who had a better record before her lay-off; Violet Ewing or Margaret Britt?
A Violet Ewing had a better record.

* * * *

[1310] RECROSS EXAMINATION

* * * *

[1320] Q (By Trial Examiner) Mr. Prosterman, when did you first learn that the union was attempting to recruit the employees of Walton Manufacturing Company?
A I think it was some time during the month of November.
Q November?
A Yes.
[1321] Q Was it early November?
A I think it was. I am not quite certain about that. I believe it was.
Q Now at the time you first discovered that, did you have any conversations with any of the Scharffs relative to

the fact that the Union was attempting to organize the plant?

A Oh, yes.

* * * *

[1326] Q Now you also had bad quality from Grace McCart; isn't that correct?

A That is correct.

Q And you have been having that bad quality for a long time.

A Ever since I was there.

Q And when Morris Scharff told you to prepare a list for lay-offs, how was it that you did not consider Grace McCart for lay-off?

A I can explain that very well. The Lewis felling machine operator is a tough operator to train. It's a rough machine to learn. And I had no replacements to put on that job. That is why I did not recommend the lay-off of Grace McCart.

Furthermore I felt that —

Q Did you have a replacement on January 10th?

A What did you say?

Q Did you have a replacement on January 10th?

A No; I didn't have a replacement exactly. I had another girl available who had operated that machine. So I thought that I would try her out to see how she would do on that particular operation.

* * * *

[1329] Q Now in connection with Nellie Wood, she was a versatile operator, wasn't she?

A I would say she was a fairly versatile operator.

Q She was doing the same kind of work you had two other operators on.

A That is right.

Q She could do either operation?

A She could do two operations.

Q And there was nothing wrong with her work; is that correct?

A No; there was really nothing wrong with her work. She could not do the same — could not perform either operation with the same quality or production-ability of either of the other girls, but that was understandable because she was —

Q If you put her on one job, she might have done as well —

A She might have done as well as either one of the other operators.

* * * *

[1350] TRIAL EXAMINER:

Are you then amending your Answer in respect of paragraph 2 of the Complaint?

MR. THOMPSON:

Mr. Examiner, we are not in a position to say that they are a single employer. They were separate employers. However, the operations were so inter-related and closely related that we are not making any contention that the one should be severed from the other and tried separately, or anything along that line. I am attempting to remove that issue from the case.

[1351] TRIAL EXAMINER:

I am trying to explore that. The allegation says for the purpose of this proceeding they were a single employer. Now it doesn't go beyond the purpose of this proceeding, as alleged in the Complaint, and that's the reason I directed your attention to the allegation, with the view that possibly you may wish to — in view of the fact you are indicating you are attempting to remove that as an issue of the case, the best way to remove an issue from the case is to admit it by pleading. If it stands denied in any part, a finding would be required, based on the allegation and the partial denial.

MR. THOMPSON:

Mr. Examiner, if I may clarify my position: We would be willing to admit that from the period in September in 1957 until January the 31st, 1958, these two employers were so closely inter-related, and the operations were so closely inter-related, so as to consider them as one for the purposes of this proceeding, and under the interpretations of the National Labor Relations Act.

* * * *

[1357] Now, Mr. Examiner, I have one other matter which, likewise, is designed toward eliminating an issue, and that is the status of Morris Scharff. I think the evidence is rather clear that Morris Scharff was present a good portion of the time — at least since November of 1957 — at the Walton Manufacturing Company, and that he was performing certain functions there, although it is not all the way clear what functions he was performing.

For the purpose of this proceeding — and only for the purpose of this proceeding — we are willing to admit that Morris [1358] Scharff, during the period in question here, acted in behalf of the Walton Manufacturing Company, within the meaning of the National Labor Relations Act.

TRIAL EXAMINER:

And was an agent of the company under Section 2.13 of the Act?

MR. THOMPSON:

As that Section has been interpreted to include, which it is my understanding goes beyond the normal interpretation of the word "agent" as it is normally interpreted in legal circles. As it is interpreted under the decisions of the Board and the courts. We are willing to stipulate that whatever Morris Scharff might have done that would be relevant to the issues of this case, he was acting in behalf of this corporation, and under those interpretations would be considered an agent.

* * * *

[1359] MORRIS SHARFF

a witness called by and on behalf of the Respondents, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER:

Give your full name and address to the reporter.

THE WITNESS:

Morris Sharff: 3322 Roxboro Road, N.E., Atlanta, Georgia.

DIRECT EXAMINATION

Q (By Mr. Thompson)

* * * *

[1373] Q Have you seen General Counsel's Exhibit 5? Do you know which exhibit that is? I will hand you a document which has been received in evidence as General Counsel's Exhibit No. 5.

A Yes, sir.

Q Have you ever seen that before?

A Yes, sir.

Q Did that come in along about that time?

A It stated January 18th.

Q Do you recall receiving that document?

A Yes, sir.

Q And what did you do, if anything, when you received that document?

A I took it around to each one of the girls whose name was on the document, and I asked them whether or not their name belonged on that document; whether or not they authorized [1374] their name to be used.

Q What else did you do with it, if anything?

A Those that said Yes; I put a check mark there; and then I posted it on the bulletin board.

* * * *

[1376] Q And when did you interrogate the girls whose names are on that list — or who are mentioned in that letter with respect to whether they had authorized the use of their names?

A Either the same day or the following day. Probably the 20th.

* * * *

Q Now let's talk about the Union for a minute. When did you first find out the Union was trying to organize the Walton plant? If you ever found it out.

A In November.

Q November of what year?

A 1957.

Q About what part of November was that?

A I think it was right around the middle of November.

* * * *

[1377] Q Did you ever make any speeches to any employees about the union?

A Yes, sir.

Q Do you know when those speeches were made?

A I believe that those speeches were made the 3rd and the 6th of December. At any rate, the early part of December.

Q How many did you make?

A Two.

Q Did you make them at more than one of the plants?

A I made them at both of the plants.

Q And did you make different speeches at each plant, or did you make the same speech at each plant?

A Same speech.

* * * *

[1406] Q (By Mr. Thompson) Mr. Sharff, do you know when the supervisors were notified of the impending cut-back on January 31st?

A That was about either during the second week of January — I think it was during the second week of January.

Q Do you recall an employee by the name of Grace McCart?

A Yes, sir.

Q Do you know whether or not she was ever discharged?

A Yes, sir.

Q What were the circumstances of her discharge?

[1407] A The circumstances behind her discharge was that her work was bad — her work was unsatisfactory.

* * * *

Q Did she ever come to talk to you about her discharge?

A Yes, sir.

Q When did she come to see you?

A I believe the following day.

Q Where were you when she came to see you?

A In my office.

Q Was anybody else present?

A No, sir.

Q Tell us what took place, please, sir. What she said to you and what you said to her.

A Well, Grace came in to see me about her discharge, and she said that — she said that she felt that her discharge was [1408] due to the union, of being — to having signed the union card —

Q What did you say when she said that?

A I said it had nothing to do with her discharge. And then she said — she re-stated the fact, and then I asked her

if she had been to a union meeting, I believe the night before, a couple days before —

TRIAL EXAMINER:

You mean she repeated she thought she was being discharged because of union activity?

THE WITNESS:

Yes, sir.

TRIAL EXAMINER:

Then you asked her —

THE WITNESS:

Then I asked her had she been to this union meeting.

Q (By Mr. Thompson) Why did you ask her if she had been to a union meeting?

A Well, I felt that being that she was so firm in the thought that she was discharged because of the union, or union membership, that it warranted talking about it to find out and to reassure her that it wasn't.

Q What else was said, if anything?

A I asked her who was there and she said — she didn't — she didn't either answer, or wouldn't say anything. She said she didn't know.

Q Was anything else said?

A And then I said, "Well, was Jeanette Beaver there, and Pearl Coker, Ruth Brooks?" and she didn't answer.

[1409] Q Was there anything else said?

A No.

Q (By Trial Examiner) What union meeting were you referring to?

A Well, there was a meeting a few days before that, I believe.

Q Did she say that she had been to the meeting?

A I believe so, sir.

TRIAL EXAMINER:

Go ahead.

Q (By Mr. Thompson) Why did you name off Ruth Brooks, Pearl Coker and Jeanette Beaver?

A Well, I named them just to see if she would admit that they were there, because it was common knowledge that — around the town that they were very heavily pro-union, and active in the organization attempt.

* * * *

[1438] Q Do you recall the job Lucille Yancey was doing?

A Yes, sir.

* * * *

Q Are you familiar with the circumstances which led to her discharge?

A I am.

[1439] Q Will you tell us briefly, sir, what those circumstances were?

A Well, it was a question of several things. Primarily, her work was completely unsatisfactory in so far as quality, as far as correctness of matching the proper facing to the proper lining. Lucille Yancey had a habit, as she got a bundle of —

* * * *

Q (By Mr. Thompson) Relate, Mr. Sharff, the things which entered into her discharge Relate all of them, but don't relate anything else.

A She had a habit of when she received a bundle that had mixed colors in it, that she would pull out the colors of lining of one color to sew them with the one color of thread, rather than to change thread. And then, of course, she could never get it back in the proper place, and this is what caused most of her work to become mixed up.

I know this personally, myself, because I personally reprimanded her on this, and told her about it many times. Because I knew she was having trouble.

* * * *

[1440] Her production, if I remember, was somewhat under her $40 minimum. I would say that she ran a make-up of two, three, four dollars a week for quite a few weeks running.

Not only was the unsatisfactory conduct of Lucille Yancey considered in her discharge at that time, because it had been going on for quite some time, but the productivity of the people throughout the shop, and taking it a step further — had taken it a step further, and Frances Elizabeth Johnson was no longer needed in her job. Her job could be absorbed by someone else. And that left us with the choice of either discharging Lucille Yancey on the basis of her bad work, or laying off Frances Elizabeth Johnson. Frances Elizabeth Johnson was a satisfactory employee on her job, and she was transferred over to Lucille Yancey's job simultaneously with the discharge of Lucille Yancey.

In addition to what I have said before, Grace Higgins, who was the floor lady, had come in to see me personally about ten days prior to the discharge of Lucille Yancey, and told me that she found it necessary that she would have to quit because Lucille Yancey was making her life miserable for her back there, and acting up, and on one occasion that I have seen myself, I saw Grace crying in the back, in her section.

All of those factors led to the discharge of Lucille Yancey on or about December 10th.

* * * *

[1444] Q Are you familiar with the circumstances under which Pearl Coker was discharged?

A Yes; I am.

Q Was she discharged?

A No — Yes; Pearl Coker was discharged.

Q What were the factors which led to her discharge?

A We had a situation there in the collar section where approximately 300 collars a day were needed, and Hester McCart, there, and Pearl Coker, there, both of them working, there still was an insufficient amount of collars being turned out, and it necessitated having a half of an operator in that section, thereby making two and a half operators.

Pearl Coker set a fair collar, and she was extremely slow. [1445] This is an operation that an operator would, in about six or seven, eight months on the job, should be making in the neighborhood of $48 to $52 a week. A good operator can make, on this job, about $60 to $65 a week, after a long period of training.

Pearl Coker had showed very little signs of increasing her production, and a girl who had been on a leave of absence, Louise Sammons, because there wasn't sufficient work at the time she left, was available, and was on a par with Hester McCart, and when she came back, she was able to come back, we knew that the two could carry the section with no make-up at all, and both make good livings, and do well.

Because of all of those reasons, it was found desirable to replace Pearl Coker at that time, and take advantage of the opportunity of getting Louise Sammons back when she was available.

* * * *

[1448] Q In so far as your records are concerned, what does the [1449] make-up column consist of?

A Make-up is the difference between $40, on a 40-hour week, and what the girl earns.

Q And when you refer to make-up on a job, what do you mean?

A The difference between a $40 minimum, on a 40-hour week, and what she actually earned.

TRIAL EXAMINER:

On a piece-rate basis.

THE WITNESS:

On a piece-rate basis; yes, sir.

* * * *

[1450] Q Was Bonnie Hamilton an unsatisfactory employee?

A No, sir.

* * * *

[1454] Q What would be the occasion that she would have a chance to fool around for a couple of hours?

A Actually, hers was a part-time job, and if we could get her to do it during the normal period of time, we would have been able to give her a second job to fill out a day. But she never would get through; get caught up with her work to enable us to try that. She should have been discharged instead of laid off.

* * * *

[1456] Q What did Nellie Wood do?

A Nellie Wood worked in the assembly section, and she stitched — she edge-taped, and she edge-basted.

Q Was she ever terminated?

A Yes; she was.

Q When?

A January 31st.

Q Was it a lay-off or discharge?

A It was a lay-off.

Q What were the factors which led to that decision?

A Nellie was a good, steady worker; conscientious. Her quality was fair. She was a little sloppy, but not enough to cause her lay-off on that basis alone. It was purely a question of lack of work.

* * * *

[1457] Q What did Evelyn Hudson do?

A Evelyn Hudson stitched down — stitched the sleeves, the cuff of the sleeves. She tacked the sleeve on the in-seam and the out-seam, and then turned the sleeve inside out by hand.

Q Was she ever laid off or discharged?

A She was laid off January 31st.

Q What were the factors that led to the decision to lay her off?

A Well, we had a situation there where we had two operators right in front of her; Grace Barnes who sewed wigan and sleeve lining to the sleeve; and Bonnie Thompson, who sewed the inseam of the sleeve lining and the sleeve.

With the cut-back in production, they had approximately two-thirds of a job left, and Evelyn Hudson, with the cut-back in production, would have had two-thirds of a job left, also.

Of the three operations, and the most easily absorbed by the other two operators that I mentioned, it was in our opinion that Evelyn Hudson could not have taken either of the other two jobs, because of the complexity. Evelyn Hudson was an operator who had to have a very simple operation; one that she could do without judgment, and without too much mechanical skill.

* * * *

[1458] Q Where did Ruth Brooks work?

A Ruth Brooks eventually worked up at Loganville Pants Company.

Q What did she do at Loganville Pants Company?

A She worked on back pockets.

Q Was she ever terminated?

A Yes; she was.

Q Do you know when?

A I believe the early part of January.

Q Do you know what the factors were that led to her termination?

A Yes; I do.

Q What are they?

A On instructions from me, Mr. Hughley had, during the past 30 days, had been gradually weeding down his work force. He had about 35, 40 operators — I think about 35, 38 operators, and he was making about 200 pairs of pants a day, 225 pants a day; whereas he only needed about — actually about 20 or 22 operators to do it. So after consultation with Mr. Hughley, the end of November, over that period there, he was instructed and was cutting his work force back right along.

Q Now had you ever known Ruth Brooks prior to the time she worked at Loganville Pants Company?

[1459] A Yes; I did.

Q Where did you know her?

A I knew her — she worked at Walton Manufacturing Company cutting in breast pockets.

Q What kind of work did she do when she was working there?

A Strictly mechanical work.

Q Was the work which she did satisfactory?

A The quality of the work was satisfactory, because it was a mechanical operation. The quantity was not.

* * * *

Q Did you make the decision to lay off Ruth Brooks? Was she laid off or discharged?

A She was discharged.

Q Did you make that decision?

[1460] A No.

Q Who made the decision?

A Mr. Hughley.

Q Did you discuss it with him before he made it?

A No.

Q Do you recall an employee by the name of Lela Beaver?

A Yes; I do.

Q Where was Lela Beaver employed?

A Lela Beaver worked in the Loganville Pants Company.

Q What did she do?

A She worked on the flies.

Q Was she ever terminated from the Loganville Pants Company?

A Yes; she was.

Q What were the circumstances of her termination?

A Following along with the idea of the continuing cutback of personnel to a reasonable amount for the production necessary in pants, it was necessary to take girls and have them do two operations, instead of only one. Lela Beaver was a good operator on one operation. It took her a long time to learn an operation; her break-in period was long. Once she did it, she did pretty fair work. But she was not the operator, in my opinion, that could do a duplicate operation; two operations, so therefore we did not have a full-time job for her, and we dispensed with her services.

* * * *

[1461] Q Did you know Pearl Coker was a union member at the time [1462] she was discharged?

A No.

* * * *

[1513] REDIRECT EXAMINATION

* * * *

[1516] Q (By Trial Examiner) Do I understand from your answers to the previous questions, Mr. Sharff, that you were opposed to the union gaining a recognition status in your plant?

A Yes, sir.

* * * *

[1517] Q Was this letter that was sent by your father, General Counsel's Exhibit 7, part of the effort on your part to avoid the union coming into the plant?

A Yes, sir; definitely.

* * * *

[1521] Q Did you tell or suggest to the supervisors that you were opposed to the union?

A I didn't tell them, but by my attitude and by my speech I think it could be safely assumed that I was not pro-union.

Q I believe — I haven't read your speeches yet.

A I didn't mean to be facetious, sir.

Q I haven't read your speeches, yet. However I did receive them in evidence. But I believe you did testify that the speech contained the reference that if the union came in, you personally would go out; is that correct?

A Yes.

Q I am saying that without having read the speech, I think that's what you testified.

* * * *

GENERAL COUNSEL'S EXHIBIT NO. 5

AMALGAMATED CLOTHING WORKERS OF AMERICA
(Label)

COPY

Winder, Ga.
Jan. 18, 1958

Arthur Scharff
Walton Mfg. Co.
Loganville, Ga.

Dear Sir:

The below named employees of Walton Mfg. Co. are members of the Amalgamated Clothing Workers of America and are serving on the volunteer organizing committee from your shop.

√Bonnie Hamilton	Nellie Ruth Hood
√Pauline McGee	√Lela Beaver
Jeanette Beavers—	√Evelyn Hudson
√Violet Ewing	Mary Lou Partain—
√Ida Harper	Lucy B. Brooks
√Francis E. Johnson	√Nellie R. Wood

The above named people have been fully advised of their rights under the National Labor Relations Act.

They are protected in their rights to join and assist the Union by Sec. 8, A (3) of the National Labor Relations Act as amended.

Sincerely,

(Signed) GARWIN BIGGS
Representative A. C. W. A.

cc: National Labor Relations Board

GENERAL COUNSEL'S EXHIBIT NO. 7

TO ALL EMPLOYEES OF WALTON MANUFACTURING COMPANY AND LOGANVILLE PANTS COMPANY

We have now been in operation in Loganville long enough to work out most of the rough spots. We have much work to do to get our plants on a profitable basis but much progress has already been made. We feel that we are in position now to set policies for the future and naturally we want you to know about these benefits that you are getting directly from us! Please consider carefully the following:

1. *Your Wages.* The money you earn and take home with you is most important to you and your family. Before these plants opened earlier this year, we made a careful survey of wages paid in this area. Many of you have worked in other plants. We are proud of the fact that the rates we are paying are the best in the area in our industry. As you acquire more experience and skill those earnings will increase accordingly. Along with good production we must always consider quality and take pride in our workmanship. Let's work together to put out a quality product we can all be proud of.

2. *Our Plants.* We hope that before too long all of us can be in the same plant. However, at present we have excellent working conditions and machinery. We believe you enjoy comfortable rest-rooms, air conditioning, good equipment and our other working tools. Help us to keep our plant clean and efficient. It will be a far more pleasant place to work.

3. *Insurance Protection.* We are presently providing the following insurance protection for all our employees:

(a) Life insurance amounting to $600.00

(b) Hospitalization of $8.00 per day;

(c) Surgical fees up to a maximum of $200.00.

The items above are furnished without cost to our employees. Also, if an employee wants to provide insurance for his or her dependents, he or she can purchase it through the Company at a reduced rate.

4. *Vacations with Pay.* We believe that employees should have a vacation with pay each year. Therefore, as soon as school schedules are announced, we will set aside one week in June, 1958, during which the plant will be closed. You will receive vacation pay for this week according to the following schedule:

(a) If you have worked at least 9 months before June 1, 1958, you will receive a full week's pay;

(b) If you have worked at least 6 months but less than 9 months before June 1, 1958, you will receive 1/2 week's pay.

(c) If you have worked at least 3 months but less than 6 months before June 1, 1958, you will receive 1/4 week's pay.

5. *Paid Holidays.* We believe our employees should enjoy the holidays which are generally celebrated in this area. The following holidays will be granted at full pay:

Thanksgiving
Christmas
Fourth of July

We expect to close the plants on these days. If it is necessary that we work, employees working will get their regular pay plus holiday pay.

6. *Overtime.* Employees who work more than forty hours in a work-week will receive time and one-half for those hours over forty. Overtime on the same operation will be divided as far as possible.

7. *Retirement Plans.* Our plants have been operating for such a short time that we have not made any definite arrangements for pension payments when you retire. We want you to know, however, that we are considering this matter and will take action in the future to provide pensions.

8. *Dues and initiation fees.* We are happy that no employee has to pay dues or initiation fees to any outside union to work at these plants. You will *not be forced to make payments to outsiders* for the privilege of working here. *What earnings you make here are yours. No part goes to organizers.*

We have tried to keep you fully advised on the things that affect your work here. From time to time, as changes

are made, we will keep you fully informed. If you have any questions to ask, please feel free to talk to me at any time.

With best wishes always, I am

Sincerely,
(Signed) HARRY SCHARFF
Harry Scharff

NAME YANCEY, LUCILLE A.

DEPT _____ YEAR 1957

SOC SEC NO 260-52-0753 ADDRESS Box 253 Loganville, Ga.

WITHHOLDING STATUS	DEDUCTIONS					RATE OF PAY	CLOCK NO
						1.50	61

2

0

29	40	40.00			40.00	.90	7.30						31.80	1/17					29
30	40	40.00			40.00	.90	7.30						31.80	1/9					30
31	40	40.00			40.00	.90	7.30						31.80	8/					31
32	40	40.00			40.00	.90	7.30						31.80	8/7	64				32
33	40	44.69			44.69	1.01	8.00						35.66	1/14	113				33
34	4	1 42			37.42	.94	7.50						37.78	1/23	325				34
35	40	41.08			42.08	.95	7.70						32.43	8/30	462				35
36	38	42.13			42.13	.95	7.70						33.48	9/6	548				36
37	40	36.4		3.6	41.00	.90	7.30						31.80	9/13	731				37
38	40			1.5	41.10	.90	7.30						31.80	9/20	871				38
39	40	44			43.44	.98	7.80						34.46	9/27	1004				39
Q		31485	4.00	10.91	52976	.92	7.40						40.43						Q
T																			T
40	40	41.16	1.16		82.44	1.13	9.10						39.91	10/4	1042				40
41	4	4.04			4.04	.10	.760						4.56	10/11	1212				41
42	1	1.01			41.37	.56	4.40						19.91	10/18	1407				42
43	16	41.16		4	41.16	.96	7.70						32.44	10/25	1540				43
44	16	41.04		3.6	46.10	3.60	7.00						32.64	11/1	1676				44
45	16	40.49		1	16.10	.96	7.00						32.64	11/8	1811				45
46	16	41		1/4	14.50	3.25	4.50						11.57	11/15	2018				46
47	32	37.12		1.1	32.00	.72	5.90						29.33	11/22	2017				47
48	24	27.12		1.2	28.60	.72	5.90						25.35	12/29	2217				48
49	24	14.15			14.25	.55	4.40						1.10		2286				49
50																			50
51																			51
52																			52
Q		812	3.18	10.69	22150	.61	4590						11.13						Q
T		16148	4.18	21.60	78966	17.78	14374						62774						T

DATE STARTED	DEPT.	OCCUPATION	RATE	PER	DATE STARTED	DEPT	OCCUPATION	RATE	PER

FORM BM 178 SHAW-WALKER FOR WEEKLY PAY

CHARGING PARTY'S EXHIBIT NO. 2

WALTON MANUFACTURING CO.
Fine Boys, Students and Men's Clothing
Phone: 3341 Loganville, Georgia

* * * *

LELIA BEAVER No. 3, and *RUTH BROOKS*, No. 6, these operators were employed at the pants shop and I do not have accurate records as to why they were discharged, but looking at their pay, and the make-up shown on the slips, it is safe to assume that they were inefficient operators who were either replaced or dispensed, due to the fact that the lack of work turned out.

* * * *